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11/8/14

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
OFFICE OF THE DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL)
SHASTRI BHAVAN, NO.26, HADDOWS ROAD, CHENNAI-6
Telephone:044 28236665, 28277955, Fax:044-28277240**

No. 39/MWA/ 32 /2014 B2

Date:04.08.2014
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To

1	The Assistant District Secretary, Tamilnadu Telecom Contract Workers Union, Union Office,BSNL Office, Rangapillai Street, Old CTO Building, Pondicherry 605 001
2	Shri D.Pradeep[kumar, Managing Director, M/s Innovative Security Solutions, 3-C, HMH Plaza, 56, G.N.Chetty Street, T.Nagar,Chennai 600 017
3	The Senior General Manager, BSNL,Rangapillai Street, Pondicherry 605 001

Sir,

**Sub: The Minimum Wages Act, 1947 - Forwarding of the decision
of the Authority under the Minimum Wages Act, 1948 in Claim
Application/s No.32/2014 - Regarding**

**Please find enclosed herewith the decision dated 04.08.2014 of the
Authority under the Minimum Wages Act, 1948 and the Regional Labour
Commissioner (Central), Chennai in Claim Application/s No.32/2014
for information and necessary action.**

Yours faithfully

Encl: a/a


(K. Shekar)

**Regional Labour Commissioner(C)
Chennai**

BEFORE THE AUTHORITY UNDER THE MINIMUM WAGES ACT, 1948 AND
REGIONAL LABOUR COMMISSIONER (CENTRAL), CHENNAI

(Claim Application No.32 of 2014)
(1 claim application)

P R E S E N C E

SHRI K.SHEKAR
REGIONAL LABOUR COMMISSIONER (CENTRAL), CHENNAI &
AUTHORITY UNDER THE MINIMUM WAGES ACT, 1948

BETWEEN

The Assistant District Secretary,
Tamilnadu Telecom Contract Workers Union,
Union Office,BSNL Office, Rangapillai Street,
Old CTO Building, Pondicherry 605 001

Applicant

AND

Shri D.Pradeep[kumar, Managing Director,
M/s Innovative Security Solutions,
3-C, HMM Plaza, 56, G.N.Chetty Street,
T.Nagar,Chennai 600 017

Opponent No.1

The Senior General Manager,
BSNL,Rangapillai Street,
Pondicherry 605 001

Opponent No.2

A P P E A R A N C E

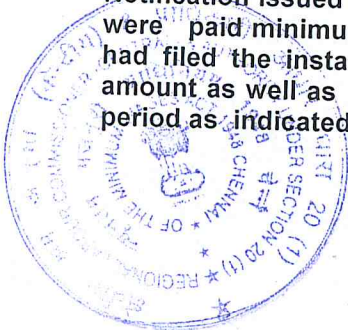
Representatives were present on behalf of the Applicant and the Opponent No.2
were present

1. Whereas, this is an application filed by the Assistant District Secretary, (TNTCWU) Tamilnadu Telecom Contract Workers Union under section 20(2) of the Minimum Wages Act,

2. Whereas, on receipt of the instant claim application, the same were taken on file and the notices were issued to the parties concerned fixing hearings on 27.05.2014.

3. Whereas, during the hearing held on 27.05.2014 the Applicant presented the details of the case. According to the Applicant, the Opponent No.2 had made the employees to do skilled work, which is classified under the category 'Skilled Work' in the Notification issued by the Ministry of labour & Employment, New Delhi, but the employees were paid minimum rates of wages due to the unskilled category. Hence, the Applicant had filed the instant claim application. The applicant prayed for awarding the claim amount as well as maximum compensation to the employees concerned for the wage period as indicated/pointed out by the Applicant in the Claim Application.

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4. Whereas, the Opponent No.3 and the Principal Employer submitted that the contract was awarded to give manpower to assist the Lineman or Cable Attender Phone Mechanic which are unskilled jobs falling under the Unskilled category of the Notification issued by the Ministry of Labour & Employment, New Delhi and hence the minimum rates of wages due to unskilled category of employees were paid to them. He further contended that the instant claim application filed by the Union is not maintainable and prayed the Authority to dismiss the same and render justice.

DECISION

Whereas, in the aforesaid circumstances, I find that, the opponent No.1 is liable to pay the difference of wages at the rates fixed by the Government along with compensation to the employees as per the claims filed by the Applicant. However, in the instant case it is found that the Opponent No.1 has paid the minimum rates of wages to the employees payable to the unskilled category of employees instead of skilled category of employees on a misperception that the work performed by the employees fall under the unskilled category. Hence a lenient view is taken and no compensation is awarded. Accordingly, the following order is passed.

ORDER

1. The Opponent No.1 M/s Innovative Security Solutions, Chennai is ordered to pay the difference of wages as indicated below:

Difference of wages (32 employees) = Rs.10,12,544.00

(RUPEES TEN LAKHS TWELVE THOUSAND FIVE HUNDRED AND FORTY FOUR ONLY)

2. It is further ordered that, the Opponent No.1 is directed to pay the awarded/ordered difference of wages by way of individual Demand Drafts, to the employees concerned, within ten days from the date of receipt of this Order. Further, the Opponent No.1 shall produce the employees and the aforesaid Demand Drafts before the Authority for verification and thereafter, the same may be disbursed either by the Authority in his cabin or by the Labour Enforcement Officer(Central), Pondicherry either in his office or at the workspot. The Applicant shall thereafter report to the Authority about the compliance of the Order by the Opponent/s.



GIVEN UNDER MY HAND AND SEAL ON THIS 6TH DAY OF AUGUST, 2014.

(K.SHEKAR)

REGIONAL LABOUR COMMISSIONER (C),
CHENNAI &
AUTHORITY UNDER SECTION 20(1) OF
THE MINIMUM WAGES ACT, 1948