

**BEFORE THE AUTHORITY APPOINTED UNDER THE PAYMENT OF
WAGES ACT, 1936, PUDUCHERRY**

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Present: Thiru. S. MOUTTOULINGAM
Authority under the Payment of Wages Act, 1936,
Labour Department Complex, (II Floor),
Vazhudavur Road, Gandhi Nagar,
Puducherry.

Between

P.W.A.NO.3/2020

Thiru. P.Kichettamourty & 2 others,
No.14, Renugambal Koil Street,
Chinnaiyapuram,
Puducherry – 605 003.

Date: **11 2 AUG 2020**

... Applicants

Vs

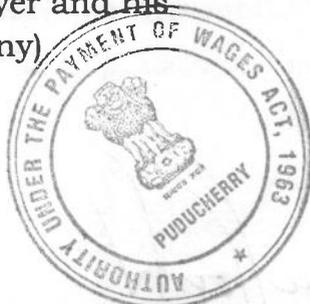
The Managing Director,
M/s. Pondicherry Co-operative Milk Producers Union Ltd., No.P.1,
Vazhudavur Road, Kurumbapet,
Puducherry – 605 009.

...Opposite Party

Record of Order or Direction

1. Serial Number : 3/2020
2. Date of Application : 14.07.2020
3. Name or names, parentage,
Address or addresses of the applicants,
or some, or all of the applicants belonging
to the same unpaid group : Thiru. P.Kichettamourty &
2 others, No.14,
Renugambal Koil Street,
Chinnaiyapuram,
Puducherry – 605 003.
4. Name and address of the Employer : The Managing Director,
M/s. Pondicherry Co-operative
Milk Producers Union Ltd.,
No.P.1, Vazhudavur Road,
Kurumbapet, Puducherry – 9.
5. Amount claimed
(a) As delayed wages : Wage due for a period of
1 year from 18.7.2019 &
12.8.2019 to till date
@ Rs. 130/- per day.
(b) As deducted from wages :
6. Plea of the employer and his
Examination (If any) : -

..2/-



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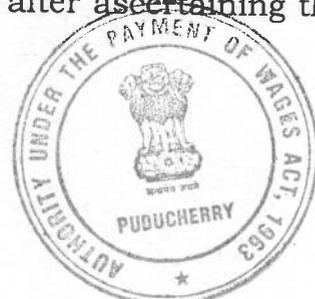
7. The factual matrix that stood exposed from the claim application filed by the applicant run thus:

The applicants Tvl. P.Kichettamourty, G.Murugan & V.Iyyanar represented by Thiru. K.Lakshminarayanan, MLA, Puducherry filed an application dated 14.07.2020 under the Payment of Wages Act, 1936 before the Hon'ble Authority under the Payment of Wages Act, 1936 claiming delayed wage due for a period of one year i.e. from 17.7.2019 to till date @ Rs.130/- per day. Wherein, it is stated that the applicants are working in the management of M/s. Pondicherry Co-operative Milk Producers Union Ltd., No.P.1 From 17.07.2019 as Casual labourer and assigned the work of salesmen in the Ponlait owned Milk parlour at Nehru Street, Ambur Salai junction, Puducherry. Further, it is stated that they have been informed by the superior officers that their daily salary will be Rs.130/- per day and Ponlait management has not paid their wage. They have also rendered their service all the six days in a week continuously without any blemish. As the management failed to pay the wages for a period of one year, the applicants prayed before the Hon'ble Authority under the Payment of Wages Act, 1936 to direct the management M/s. Pondicherry Co-operative Milk Producers Union Ltd., No.P.1 to pay the wage dues for a period of one year along with interest due to Tvl. P.Kichettamourty, G.Murugan & V. Iyyanar without any delay in the interest of justice.

8. The crux of the reply of the management is as follows:

The opposite party management M/s. Pondicherry Co-operative Milk Producers Union Ltd., No.P.1 in their counter statement dated 06.08.2020 has denied all the allegations made by the applicants in their claim application and has stated that the petitioners namely P.Kichettamourty, G.Murugan & V. Iyyanar are employees of the Pondicherry Co-operative Milk Producers' Union Limited (PONLAIT). Not issued order of appointment to the said petitioners at any point of time to discharge duties as casual labourers in the post of salesman in the Milk parlour. Further, it is stated that the then Administration of Ponlait has engaged the services of the petitioners due to opening up of new parlours but there is no written order for the said engagement. However, the services of the petitioners were utilized by Ponlait from the dates i.e. Thiru.P. Kichettamourty from 12.08.2019, Thiru. G.Murugan from 18.07.2019 and Thiru. V.Iyyanar from 18.07.2019 respectively. Accordingly, the present Administration of PONLAIT would effect wages @ Rs.130/- per day for the petitioners w.e.f. 12.08.2019, 18.07.2019 & 18.07.2019 respectively to till date as the case may be after ascertaining their days of engagement in the milk parlours.

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9. **Answering:** Section 3 of the Payment of Wages Act, 1936 casts on the employer the responsibility for payment of wages to persons employed by him. In the this context, on perusal of the allegations made by the applicants in their claim application and the contentions made by the opposite party management in their counter statement dated 6.08.2020, that by applying principles of Natural Justice, M/s.Ponlait, Puducherry would be effecting the wages @ Rs.130/- per day after ascertaining the details.

As such, it is clear that the petitioners were extracted work from Thiru.P. Kichettamourty from 12.08.2019, Thiru. G.Murugan from 18.07.2019 and Thiru. V.Iyyanar from 18.07.2019 respectively and they have not paid any wages till date. Section 4 provides for the fixing of wages periods, which, however, are not exceed one month. Under Section 5, the wages have to be paid before expiry of ten days after the last day of the wage period in case of employees who continue services. Section 15 provides that where an unauthorized deduction has been made for the wages of an employed person or payment of wages has been delayed, such person may apply to the authority appointed under the Act for a direction for payment of the amount deducted or the delayed wages, as the case may be, together with payment of compensation.

On perusal of records, it is found that the wage proposed per day is at the rate of 130/- which is below the National Floor Level Minimum Wages as ordered by the Government of Puducherry vide No.22/AIL/LAB/2017/1000 dated 23.08.2017 which is Rs.176/- per day.

In view of the above, I hereby direct the opposite party/management to pay the wage due for the period from 12.08.2019 to Thiru.P. Kichettamourty, from 18.07.2019 to Thiru. G.Murugan and from 18.07.2019 to Thiru. V.Iyyanar respectively to till date @ Rs.176/- per day for the said period within 30 days from the date of this order, since M/s PONLAIT, Puducherry is a Co-operative Institution and model employer. Further, it is also directed to pay Rs.2000/- to each petitioner as compensation for wages due by the management. The award amount including compensation should be paid to the workers within 30 days from the date of this order.



Signed:

Dated:

12/8

M. J
9790300064
M. DILIP

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DESPATCHED

12/8/2020

(S. MOUTTOULINGAM)

AUTHORITY APPOINTED UNDER THE
PAYMENT OF WAGES ACT, 1936.