
(1956) 07 MAD CK 0021

In the Madras High Court

Case No : Civil Revision Petition No"s. 217 to 225 of 1955

Sundaram, Manager Coimbatore Cotton Mills Ltd., Singanallur APPELLANT
Vs

Kumaraswamy and Others RESPONDENT

Date of Decision : 27-07-1956

Acts Referred:

Payment of Wages Act, 1936 — Section 26

Citation : AIR 1957 Mad 185

Hon'ble Judges : Panchapakesa Ayyar, J

Bench : Single Bench

Advocate : K. Rajah Iyer and B.B. Narayanaswami, for the Appellant; B.R. Dolia, for the Respondent

Final Decision : Dismissed

Judgement

Panchapakesa Ayyar, J.—These are all petitions filed by the Coimbatore Cotton Mills Ltd., Singanallur, for revising and setting aside the

orders of the Additional Commissioner for Workmen"s Compensation, dated 16-10-1954, directing the Mills to refund the wage for eight days

deducted from the wages of the nine respondents herein, u/s 9 of the Payment of Wages Act, 1936, for taking part in an illegal strike on the 17th

and 18th December 1952, besides paying them compensation of Re. 1 each and costs of annas each. The Additional Commissioner passed such

orders on the ground that the requirements of Rule 16(c) of the rules framed under the Act had not been complied with, and because the proviso

there to would not apply to these cases. So, the only point for consideration is whether he is right to such a construction.

2. Mr. Raja Aiyar, learned counsel for the petitioner in these nine civil revision petitions, urged that, under the proviso to Rule 16(c), the names of

the persons from whose wages deduction is pro-posed to be made need not be given, when the deduction is proposed to be made from all the

persons employed in any department or section of the factory, and it would be sufficient to specify the department or section affected. That is so. "

But, unfortunately for this contention, all the persons employed in the mill in question were not made subject to the deduction of the 8 days wages,

as pointed out by the learned counsel for the workers.

The notice put up by the mills stated that deductions would be made of 8 days' wages from the wages of all the workers who had gone on strike

on the 17th and 18th December 1952, but that those workers, who were on leave, or had fully attended to work on those two days, would not

have the wages cut like that. It is fairly conceded by Mr. Rajah Aiyar that the deduction was not proposed to be made from all the persons

employed in the mill or in any department or section thereof. The proviso, in my opinion, must be strictly construed, as it is a restrictive proviso to a

provision, affording a safeguard to workers from a penal or punitive section. When it was intended by the mills to make the deduction of 8 days'

wages only from some of workers of the mills, it was incumbent on the part of the mills to give the names of those workers individually and to

display such names at the main entrance to the mills.

It will be also noticed, as urged by the learned counsel for the workers, that the names of those who were on leave or who had attended the mills

and worked fully on, the 17th and 18th December 1952, the days of the illegal strike, and whose wages would not be cut, were not also given and

all the remaining workers notified as fined, though even that would not do. There is no doubt, therefore, in my mind that the learned Additional

Commissioner was right in passing his orders. All these nine civil revision petitions deserve to be and are hereby dismissed with costs.

(Advocate's fees only one set).