

Court No. - 8

Case :- WRIT - A No. - 4824 of 2003

Petitioner :- State Of U.P. Through The Secy. To The Govt. Of U.P. Forest

Respondent :- Narsingh And 2 Ors..

Counsel for Petitioner :- C.S.C.

Counsel for Respondent :- C.S.C.,Rajkumar Pandey

Hon'ble Saral Srivastava,J.

1. List has been revised. Learned Standing Counsel for the petitioner is present. However, learned counsel for the respondents is not present.

2. The petitioner by means of the present writ petition has assailed the order dated 28.03.2002 passed by the Prescribed Authority under the Minimum Wages Act and Assistant Labour Commissioner, Faizabad in K.R.M.W. Case No.158 of 2001 whereby Prescribed Authority has held that illegality has been committed by the petitioner in not paying minimum wages to the respondent no.1, consequently, it imposed penalty upon the petitioner.

3. It is contended by the learned Standing Counsel for the petitioner that Prescribed Authority has committed manifest error of law apparent on the face of record in holding that respondent no.1 was engaged as labour whereas it was the specific case of the petitioner that respondent no.1 was never engaged as labour. Consequently, it is submitted that entire proceedings initiated against the petitioner are misconceived and not maintainable.

4. Be that as it may, the Prescribed Authority after considering in detail the evidence on record recorded a finding that respondent no.1 was employed with the petitioner as daily wager and he was not being paid minimum wages.

5. Learned Standing Counsel for the petitioner could not demonstrate from the record that finding of the Prescribed Authority in respect to engagement of respondent no.1 as daily wager is perverse or against the record.

6. In such view of the fact, this Court does not find any merit in the

submission of learned Standing Counsel for the petitioner. Consequently, writ petition lacks merit and is hereby ***dismissed*** with no order as to costs.

Order Date :- 7.11.2023

Sattyarth