

HIGH COURT OF TRIPURA

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WP(C) No.493 of 2024

1. Sri Tinku Nath, son of late Jatindra Nath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 40 years.
2. Girindra Nath, son of late Udai Nath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 34 years.
3. Sri Parimal Debnath, son of late Hiralal Debnath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 50 years.
4. Sri Jitendra Debnath, son of Sri Makhan Debnath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 50 years.
5. Sri Ranjit Debnath, son of late Anil Debnath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 55 years.
6. Sri Sirbash Nath, son of late Nityananda Nath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 61 years.
7. Sri Jitendra Nath, son of late Ramcharan Nath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 65 years.
8. Sri Ramendra Debnath, son of late Indra Kumar Debnath, resident of village + P.O. Krishnapur, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 63 years.
9. Sri Niranjan Debnath, son of late Ruhini Debnath, resident of West Batarashi, P.O. Rajbari, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 48 years.
10. Sri Birendra Kr. Dhar, son of late Dharendra Kr. Dhar, resident of Lalcherra, P.O. Lalcherra, P.S- Dharmanagar, District- North Tripura, Pin-799253. Aged about 63 years.

..... *Petitioner(s)*

V E R S U S

1. The State of Tripura represented by its Principal Secretary, Public Works Department (R&B), Government of Tripura, New Secretariat Building, P.O.- Kunjaban, P.S.- New Capital Complex, District- West Tripura, Pin-799010.
2. The Chief Engineer, Public Works Department, (R&B), Government of Tripura, Gurkhabasti, P.O.- Kunjaban, P.S. New Capital Complex, District- West Tripura, Pin-799006.

3. The Executive Engineer, Stores Division, Public Works Department, (R&B), Government of Tripura, P.O. & P.S.- A.D. Nagar, District- West Tripura, Pin-799003.

4. The Under Secretary, Labour Department, Government of Tripura, P.O. Kunjaban, P.S. New Capital Complex, District- West Tripura, Pin-799010.

..... Respondent(s)

For Appellant(s) : Mr. Arijit Bhaumik, Advocate.

For Respondent(s) : Mr. Karnajit De, Addl. G.A.

HON'BLE THE CHIEF JUSTICE MR. APARESH KUMAR SINGH

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26/07/2024

Writ petitioners have approached this Court with the following prayer:

“(i) Issue notice upon the Respondents;

(ii) Call for the records;

(iii) Issue Rule calling upon the Respondent to show-cause as to why the petitioners shall not be paid the minimum wages as determined Government of Tripura under the Minimum Wages Act, 1948 vide notification dated 24.11.2023 with effect from 01.10.2023;

AND

Issue Rule upon the respondents to show-cause as to why a Writ of Certiorari or any other appropriate Writ shall not be issued for setting aside the letter dated 18th March, 2024 whereby the prayer of the petitioners for payment of minimum wages as per the Minimum Wages Act, 1948 was rejected;

AND

Issue Rule upon the respondent to show-cause as to why the petitioners shall not be paid all arrears of financial benefits pursuant to extension of minimum wages in favour of the petitioners under the Notification dated 24.11.2023;

(iv) And after hearing the parties, be pleased to make the Rule absolute;

AND/OR

Pass any other order/orders as deemed fit and proper.”

Petitioners claim to be working as labourers engaged in the work of loading and unloading of stored materials in the Public Works Department (R&B), government storeyard, at Sanicherra and Batarshi under Dharmanagar Sub-Division. Petitioners contend that they were issued identity cards earlier but since 2018 it has not been renewed. Petitioners have raised the grievance that the respondent-department is not making

payment of minimum wages. Petitioners, however, also contend that the department has conveyed through letter dated 18.03.2024 that the respondent-department is receiving materials from Indian Oil Corporation Limited, Hindustan Petroleum Corporation Limited or Steel Authority of India Limited and their shipment includes door delivery to the stores including offloading through engagement of labourers. As such, petitioners are not engaged by the department in any circumstances. Therefore, the payment of minimum wages to them by the department does not arise. Petitioners have placed reliance upon certain judgments rendered earlier by learned Single Judge of this Court in WP(C) No.1559 of 2017 and other analogous cases dated 28.09.2018 and also WP(C) No.679 of 2017 dated 13.07.2020 in their support.

Mr. Karnajit De, learned Additional Government Advocate states on instructions that since the department has disputed the engagement of these petitioners as labourers in the task of loading and unloading of goods in the storeyard of the department which task is upon the concerned agencies, the grievance of the writ petitioners before this Court is not entertainable. Since the Minimum Wages Act, 1948 provides for a statutory forum for redressal of the grievances and by virtue of notification dated 09.03.1999 the Labour Commissioner has been appointed as the authority to hear and decide the claims arising out of payment less than the minimum rates of wages, petitioners should approach the authority for redressal of their grievances.

However, after some arguments, Mr. Arijit Bhaumik, learned counsel for the petitioners seeks permission to withdraw this writ petition in

order to move the authority/Labour Commissioner appointed by the Government of Tripura under Section 20(1) of the Minimum Wages Act, 1948 for redressal of their claims. Learned counsel for the petitioners submits that the authority may be directed to decide their claims expeditiously.

In view of the aforesaid facts and circumstances, the prayer made on behalf of the writ petitioners for withdrawal of the writ petition is allowed. Petitioners are at liberty to approach the authority under the Minimum Wages Act, 1948 for redressal of their grievances. Needless to say, the learned authority/Labour Commissioner appointed under the Minimum Wages Act, 1948 would consider the application of the petitioners, in accordance with law and endeavour to decide it expeditiously.

Let it also be made clear that this Court has not gone into the merits of the case of the parties.

Accordingly, the instant writ petition stands disposed of as withdrawn with the aforesaid liberty. Pending application(s), if any, also stands disposed of.

(APARESH KUMAR SINGH) CJ

DIPESH DEB

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