

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.99 OF 2014
AND
CIVIL APPLICATION NO. 4659 OF 2015

M/S SHREE RAJRAJESWARI CONSTRUCTIONS
VERSUS
UNION OF INDIA AND OTHERS

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Advocate for Petitioner : Shri Brahme S.P.
Standing Counsel for Respondents 1 & 2 : Shri Bagul R.B.
Advocate for Respondent 3 : Shri Navandar M.N.
Advocate for Applicant-Intervenor : Shri Zia Ul Mustafa

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CORAM : RAVINDRA V. GHUGE, J.
Dated: June 10, 2015

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PER COURT :-

1. I have heard the learned Advocates for the respective sides. The petitioner is a Labour Contractor, who has been supplying contract labourers to respondent No.3. Issue pertains to the purported non-payment of monthly wages / short fall in monthly wages, by the petitioner to its contract labourers.

2. The petitioner has preferred a challenge to the communication dated 25.10.2013 addressed to the petitioner by the third respondent. The third respondent is the office of the Divisional Mechanical Branch of the Central Railway at Bhusawal, which is not an authority as is understood under the Contract Labour (Regulation and Abolition) Act, 1970 ("the said Act"). Reference is also made to a communication addressed by the petitioner to the Assistant Labour Commissioner (Central), at Nagpur, dated 5.11.2013.

3. Having heard the learned Advocates for the respective sides, I do not find that any order passed by either a judicial authority or a quasi judicial authority is challenged in this petition. The petitioner seems to be aggrieved by the communication received from the third respondent dated 25.10.2013 and 2.12.2013. The said two communications do not amount to an order being passed by a judicial or a quasi judicial authority in the eyes of the law. This petition is, therefore, mis-conceived and is untenable.

4. Shri Brahme, learned Advocate for the petitioner submits that the communication dated 25.10.2013 and 2.12.2013 at the behest of the third respondent is based on a report of the Enforcement Officer of the Regional Commissioner (Labour), at Nagpur. In his submissions, the Labour Enforcement Officer has erroneously concluded that certain amounts of wages are not paid by the petitioner to the Contract Labourers which has prompted the third respondent to issue the said two communications.

5. He, therefore, submits that the petitioner would make a proper representation to the office of the Regional Labour Commissioner (Central), Nagpur respondent No.1, in order to clarify that there are no dues outstanding towards the petitioner, so as to be termed as unpaid wages with reference to the Contract Labourers.

6. Shri Bagul, learned Standing Counsel for Union of India, representing respondents 1 and 2 submits that in the event the petitioner makes a representation as is stated before this Court, the same would be considered

upon hearing the petitioner and, if need be, even the third respondent as well as the Contract Labourers. Such a representation would be decided on its own merits after giving proper opportunity to the petitioner.

7. Acceding to the request made by Shri Brahme, and by recording the statement made on behalf of respondents 1 and 2, this petition is disposed off.

8. It is expected that the concerned authority shall deal with the representation of the petitioner as expeditiously as possible.

9. Civil Application for intervention, therefore, does not survive and is accordingly disposed off.

(RAVINDRA V. GHUGE, J.)

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