

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 240 OF 2014

Anna Balgonda Patil

..Petitioner

Vs.

State of Maharashtra

..Respondent

Mr. Akshay Patil a/w Satendra Kumar, for the Petitioner.

Mr. A. B. Vagyani, GP a/w Mr. V. N. Sagare, AGP, for Respondent
No.1 State.

**CORAM :- MOHIT S. SHAH, C.J. &
B. P. COLABAWALLA, J.**

DATE :- FEBRUARY 2, 2015.

P. C.:

In this Public Interest Litigation, the Petitioner has made a grievance against the inaction on the part of the State Government in not revising the rate of minimum wages applicable to the labourers in the power loom sector.

2 A serious grievance was made that since 1986 the minimum wages payable to the workers under power loom sector were as low as Rs.300/- p.m., in Zone-I (i.e. Municipal Corporation

areas and areas in the periphery thereof) to Rs.250/- p.m. in Zone-II or Rs.200/- p.m., in Zone-III. The State Government had issued notification dated 22 October 2013, for inviting objections against the draft notification proposing to fix the minimum rates of wages for the workers in the power loom sector, but no final notification was being issued and hence this Court issued notice to the Respondent.

3 Mr. Vagyani, learned Government Pleader places on record notification dated 29 January 2015 issued by the State Government for the Industries, Energy and Labour Department revising minimum rates of wages for workers in the power loom sector under Section 3(1) (b) read with Section 5 (2) of the Minimum Wages Act, 1948 in its application to the State of Maharashtra. The notification is taken on record and marked “X” for identification.

4 In view of the above development it would appear that the grievance in the Petition has been redressed. The learned counsel for the Petitioner, however, submits that the last revision prior to January 2015 was done in the year 1986. Our attention is invited to the provisions of Section 3(1) (b) of the Act which provides that the appropriate Government shall review at such intervals, as it may think fit, such intervals not exceeding five years, the minimum rates of wages so fixed under Section 3(1) (a) and

revise the minimum rates, if necessary. It is, therefore, submitted that the State Government was duty bound to review the revision of minimum wages for the workers in the power loom sector at least once in five years, but this was not done between the year 1986 and 2014. The learned counsel therefore submits that appropriate directions may be given to the State Government to faithfully implement the aforesaid statutory mandate contained in Section 3(1) (b) of the Act.

5 We find that the submissions made by the learned counsel for the Petitioner, require acceptance. In fact, the State Government is bound by the above statutory provisions to undertake review of the minimum rates of wages payable to the workers at least once in five years. The State Government, shall therefore undertake such review, so as to make next revision, if any, effective before December 2019.

6 The above Public Interest Litigation is accordingly disposed of.

CHIEF JUSTICE

(B. P. COLABAWALLA, J.)