

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH**

**CWP No.12525 of 2013
Date of Decision:21.05.2015**

SHAMBHU DAYAL MODERN SCHOOL

.....Petitioner

VERSUS

**THE AUTHORITY UNDER THE PAYMENT OF WAGES ACT 1936
AND ANOTHER**

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Adarsh Jain, Advocate
 for the petitioner.

Mr. R. P. Verma, Advocate
 for respondent No.2.

AMIT RAWAL J. (ORAL)

The challenge in the present petition is to the award dated 25.04.2013 (Annexure P-3) vide which the application filed on behalf of the petitioner-management seeking the rejection of the claim, has been dismissed.

Mr. Adarsh Jain, Advocate appearing on behalf of the petitioner submits that as per the claim application (Annexure P-1), it is an admitted case that the workman was drawing a salary of Rs.10,920/- including the PF and other allowances as per Section 1(6) of the Minimum Payment Wages Act, 1936. The amended provisions of Section 1(6) of the Act, the Act as applicable only to the employees who were drawing the salary less than Rs.10,000/-. Therefore, the authority did not have any jurisdiction to entertain the claim, accordingly, the application for rejection of the claim has been rejected without adverting to the above mentioned facts.

Learned counsel appearing on behalf of respondent No.2 submits that the claim petition was filed for claiming the pay grade of Rs.4000-100-4800-EB-100-6000 according to the Government of Haryana viz-a-viz the pay grade of 2550-55-2660-EB-60-3200.

I have heard learned counsel for the parties.

As per Section 1(6) as amended on 08.08.2007, the applicability of the Act would be confined to the employees who were drawing the salary less than Rs.10000/-. As per paragraph 1 of the writ petition, respondent No.2 was drawing a salary of Rs.10,920/- and accordingly the authority under the Minimum Wages Act did not have any jurisdiction to enter and trying claim petition. Thus, the impugned order rejecting of the claim petition has erroneously been decided, much less suffers from illegality.

Accordingly, the writ petition is allowed and the impugned award dated 25.04.2013 Annexure P-3 is hereby quashed.

(AMIT RAWAL)
JUDGE

21.05.2015
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