

CWP No.20089 of 2010

Date of decision: October 20, 2015

Rajesh Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. D.R. Bansal, Advocate
for the petitioners.

Mr. Ashish Sharma, Addl. A.G., Punjab.

Mr. I.S. Sidhu, Advocate
for respondents No.2 to 4.LISA GILL, J.(ORAL)

Petitioners pray for a direction to the respondents to pay minimum wages to them along with arrears w.e.f. 1st September, 2008 with ten times compensation and interest. In the alternate, it is prayed that employees of the Punjab Ware Housing Corporation be included in the table under the Minimum Wages Act, 1948.

In the short reply filed on behalf of respondent No.1, it is submitted that a new entry in the schedule appended to the Minimum Wages Act has been made and employees in the Government Offices, Boards or Corporations including the Ware Housing Corporation have been covered under the Minimum Wages Act. Entry at Serial No.70 reads as under:

“Employment in Government Offices or Boards or Corporations or Semi-Government undertakings and other Organization or Establishments for which the rates were earlier fixed by the respective Deputy Commissioners but not by the appropriate Government under Minimum Wages Act, 1948”.

In the light of this affidavit, following order was passed on 18.09.2015:-

“Learned State counsel has pointed out that though the impugned order was passed at the time when the respondent-Corporation was not included in the schedule under the Minimum Wages Act, 1948, subsequently in the year 2009, a notification to that effect was issued, bringing the respondent-Corporation within the said schedule. As such, the matter could be remitted to the competent authority under the Minimum Wages Act.

An adjournment slip has been filed by learned counsel for respondents No. 2 to 4, on the ground that he is unwell.

Adjourned to 20.10.2015.

Both learned counsel, for the petitioner and for respondents No. 2 to 4, would consider the above contention of learned State counsel and address arguments.

Learned counsel for the petitioners submits that in view of the abovesaid position, he may be permitted to withdraw this writ petition with liberty to approach competent authority under the Minimum Wages Act, 1948 as per notification dated 16th December, 2009 (Annexure R-1) for redressal of their grievance.

Dismissed as withdrawn with liberty as aforesaid.

October 20, 2015
m. sharma

(LISA GILL)
JUDGE