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

**CWP No.2076 of 2011
Date of decision:06.04.2015**

Naresh Kumar and others ...Petitioners
Versus
The Authority under Minimum Wages Act & anr. ...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ramesh Goyat, Advocate,
for the petitioners.

Mr. Aman Chaudhary, Advocate,
for respondent no.2.

Rakesh Kumar Jain, J.

The petitioners are aggrieved against the order passed by the Authority under the Minimum Wages Act, Circle-I, Sonapat dated 29.10.2010 by which their applications have been partly allowed, entertaining their claim of minimum wages for the period from July, 2009 to 21.08.2009, whereas the claim for the remaining period has been dismissed being time barred.

Counsel for the petitioners has submitted that as per the second proviso to Section 20(2) of the Minimum Wages Act, 1948 (here-in-after referred to as the "Act"), the Authority had the jurisdiction to entertain the

application after the expiry of the period of six months if it is satisfied that the applicants had the “sufficient cause” for not making the application within the stipulated period. It is submitted that in the application for condonation of delay, it was averred by the petitioners that they were removed from service on 21.08.2009; they had raised the demand notice on 26.1.2009 and at that time, they came to know that the Act is also applicable to the establishment of respondent no.2.

Counsel for respondent no.2 has submitted that the ignorance of law is no excuse and it would not be a “sufficient cause” for condonation of delay.

I have heard learned counsel for the parties and examined the available record with their able assistance.

The application was filed by the petitioners in terms of the second proviso to Section 20(2) of the Act, which reads as under:-

“20. Claims:- (1) The appropriate Government may, by notification in the official Gazette, appoint [any Commissioner for workman's Compensation or any officer of the Central Government exercising functions as a Labour Commissioner for any region, or any officer of the State Government not below the rank of Labour Commissioner or any] other officer with experience as a Judge of a Civil Court or as a stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of payment of less than the

minimum rates of wages [or in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14], to employees employed or paid in that area.

(2) Where an employee has any claim of the nature referred to in sub-section (1), the employee himself, or any legal practitioner or any official of a registered trade union authorized in writing to act on his behalf or any Inspector, or any person acting with the permission of the Authority appointed under sub-section (1), may apply to such Authority for a direction under sub-section (3):

Provided that every such application shall be presented within six months from the date on which the minimum wages [or other amount] became payable:

Provided further that any application may be admitted after the said period of six months when the applicant satisfies the Authority that he had sufficient cause for not making the application within such period.”

According to the first proviso to Section 20(2) of the Act, the application has to be presented within six months from the date on which the minimum wages became payable and if such an application is not filed within the said period, the time can be extended by the Authority if it is

satisfied that there was a sufficient cause with the applicants for not making the application within the prescribed time.

In the present case, the Authority had found that the reason given by the petitioners for not filing the application in time is not satisfactory which has been challenged on the ground of mis-appreciation. However, after going through the contents of the application filed for extension of the period/condonation of delay, I am of the considered opinion that there is no error on the part of the Authority in dismissing the application because the reason given by the petitioners for not applying in time does not fall within the definition of “sufficient cause”.

Accordingly, I do not find any merit in the present writ petition and hence, the same is hereby dismissed.

April 06, 2015
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(Rakesh Kumar Jain)
Judge