

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Writ Petition (L) No. 216 of 2016**

Managing Director, CG Rajya Beej Evam Krishi Vikas Nigam Limited,
 Beej Bhawan, Telibandha, G.E. Road, Raipur (Chhattisgarh), through
 P.B. Keskar, S/o B.A. Keskar, aged about 60 years, Deputy Manager/
 Nodal Officer, Chhattisgarh Rajya Beej Evam Krishi Vikas Nigam
 Limited, Beej Bhawan, Telibandha, G.E. Road, Raipur (Chhattisgarh)

---- Petitioner**Versus**

1. Presiding Officer under the Minimum Wages Act Labour Court, Durg,
(Chhattisgarh)
2. Inspector, Minimum Wages Act, 1948, Office of the Assistant Labour
Commissioner, Durg, (Chhattisgarh)

---- Respondents

For Petitioner : Shri Vivek Shrivastava, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****21/11/2016**

The present petition has been preferred assailing the order dated 08.09.2016 passed by the respondent no.1 in Case No. 53/2012/MW Act (Civil).

2. The Authority concerned in exercise of its power under Section 20 of the Minimum Wages Act has passed the impugned award against the petitioner establishment for payment of revised minimum wages to the unskilled workers engaged by the petitioner during the period from 01.04.2011 to 30.09.2011. By the said impugned order, the petitioner has

been directed for payment of Rs.1,02,330/- along with penalty of Rs. 2,670/- to the unskilled workers.

3. Counsel for the petitioner makes a limited prayer that the impugned order may be set aside and the matter may be remitted back to Authority for reassessment of wages of the workers for the reason that the Authority concerned should have verified the fact that the workers involved in the dispute are paid wages for the actual number of days they have worked and not for the entire 30 days. Counsel for the petitioner submits that the workers have not worked for the entire 30 days or 60 days as has been assessed by the respondent no.1.

4. The prayer made by the counsel for the petitioner seems to be genuine. Thus, without entering into the merits of the case the impugned order dated 08.09.2016 stands quashed and the matter is remitted back to the respondent no.1 with a direction that he shall reassess the payment due to the workers engaged by the petitioner establishment for the relevant period. It is further directed that the petitioner establishment shall provide all necessary details including the register proving the number of days worked by each of the workers engaged by the petitioner so as to assess the actual payment due to the individuals.

5. It is further held that so far as the revised minimum wage is concerned, this Court does not have any hesitation in reaching to the conclusion that the workers shall be entitled for the enhanced revised wage. This petition is remitted back to respondent no.1 only for reassessing the actual payment due to the workers calculating the number of days they have worked and the category to which they belong.

Sd/-
(P. Sam Koshy)
JUDGE