

*Sequeira*

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION*

***WRIT PETITION NO. 8737 OF 2011***

M/s Reliance Life Insurance Company Ltd. .. Petitioner  
Vs  
The Regional Labour Commissioner of Pune  
through Ministry of Labour, Mumbai. .. Respondent

Mr.K.P.Anilkumar, for Petitioner.  
Ms.S.I.Shah i/b S.I.Shah & Co., for Respondent.

***CORAM: N.M. JAMDAR, J.  
Wednesday, 13 January 2016***

**Oral Order :**

The Petitioner challenges the order passed by the Authority under the Minimum Wages Act, 1948 And Regional Labour Commissioner (C), Pune dated 22 June 2011 directing the Petitioner to pay minimum wages as per the Inspection report submitted by the Labour Enforcement Officer (C) Solapur. On 5 March 2012 notice was issued in this petition indicating that it will be taken up for disposal at the admission stage. The Respondent has been served. Taken up for disposal accordingly. **Rule.** Rule made returnable forthwith. Respondent waives service.

2. The short point on which the Petitioner has challenged the impugned order is that the Central Government is not the appropriate Government and the Regional Labour Commissioner (Central) Pune, does not have jurisdiction to initiate any

proceedings.

3. Perusal of the impugned order shows that these two submissions which go to the root of the case have not been considered by the Authority. The Authority has straightaway concluded that the minimum wages have not been paid as per the Central Act. Before reaching that conclusion it was incumbent upon the Authority to decide whether the appropriate Government is the State Government or the Central Government. In the reply filed by the Petitioner on 6 April 2010, the Petitioner, at the outset, categorically mentioned that the appropriate Government is State Government and not Central Government. Since this issue has not been decided by the Authority which fact is also recorded at the time of issuance of notice for final disposal, the impugned order dated 22 February 2011 needs to be quashed and set aside and the proceedings be remanded to the Regional Labour Commissioner Pune, for consideration of the above mentioned aspects. Accordingly, the **Rule is made absolute** in terms of prayer clause (a).

4. The Application No.PCA/8 of 2010 stands restored on the file of the Authority / Regional Labour Commissioner, Pune under the Minimum Wages Act, to be disposed of as per law. All contentions of the parties as regards the appropriate Government and the consequent payments under the relevant enactment are kept open. The writ of this Court, be sent to the Authority expeditiously. The Authority will issue appropriate notices to the

party. The Petitioner will also apprise the Regional Labour Commissioner of the order passed along with the copy of this order on or before 15 February 2016.

*(N.M.Jamdar, J.)*