

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.13523 OF 2007

ORDER:

This Writ Petition is filed against the order passed by the authority, appointed under the Minimum Wages Act, 1948 & the Assistant Commissioner of Labour, Mahabubnagar, in MW1 of 2001 dated 15.05.2007. The petitioners herein are respondents 1 and 2 in MW1 of 2001, and respondent No.2 herein was an employee in their Rice Mill. By the impugned order, the Assistant Commissioner of Labour directed the writ petitioners herein to pay Rs.35,078.50 ps towards wages payable to the 2nd respondent along with one time compensation of Rs.35,078.50 ps. The petitioners herein were directed to deposit the said amount by means of a demand draft drawn on any Nationalized Bank in favour of the Authority under the Minimum Wages Act. While admitting the Writ Petition this Court, by its order dated 28.06.2007, directed the petitioners to deposit half the amount, awarded by the Minimum Wages Authority, within six weeks.

Sri K. Lakshman, Learned Counsel for the petitioner, would submit that, pursuant to the interim order, the petitioner had paid 50% of the amount awarded in MW No.1 of 2001 under the Minimum Wages Act; the order, passed by the Assistant Commissioner of Labour, is liable to be set aside on two grounds; firstly that the Minimum Wages Authority had failed to take into consideration Ex.B-1 lease deed dated 02.10.1998 and, secondly, he had failed to take into account the specific plea of the 2nd petitioner that he had nothing to do with the business of the rice mill; and the mere fact that he was the brother-in-

law of the 1st petitioner would not justify his being mulcted with liability under the Minimum Wages Act.

The Minimum Wages Act is a welfare legislation made with a view to ensure payment of a minimum wage to a workman. The Act prohibits any employer from engaging employees below the minimum wage. It also provides for payment of compensation equivalent to ten times the differential wages which the employer has failed to pay his employee as minimum wages.

While exercising jurisdiction under Article 226 of the Constitution of India, more so in matters relating to such welfare legislations, this Court would not interfere with findings of fact recorded by the authority constituted under the Act, or substitute its views for that of the authority. It is only if the order of the authority is perverse, or the findings recorded therein are based on no evidence, would this Court's interference be justified. Ex.B-1 dated 02.10.1998 is said to be an unregistered agreement of sale. As the said document is registerable, failure to take such an unregistered document into consideration, would not justify setting aside the impugned order. With regards the second contention that the 2nd petitioner has nothing to do with the business, and he is merely the brother-in-law of the 1st petitioner, the Assistant Commissioner of Labour took note of the submission of the 3rd respondent herein that they had leased out the Rice Mill to both petitioners 1 and 2, as also the admission of the 1st petitioner that he had taken the Rice Mill on lease to help his brother-in-law (second petitioner) to carry on business. Both the grounds raised in this Writ Petition would not constitute a perverse finding or a finding based on

no evidence. I see no reason, therefore, to exercise jurisdiction under Article 226 of the Constitution of India to interfere.

Sri K. Lakshman, Learned Counsel for the petitioner, would submit that, even otherwise, payment of one time compensation is extremely harsh. The Assistant Commissioner of Labour has held that the petitioners had failed to pay minimum wages to the employee. He has merely awarded one time compensation as against the maximum of ten times compensation which he is entitled to award under the Act. The discretion exercised by the Assistant Commissioner, to award one time compensation, is not so unreasonable as to necessitate interference in writ proceedings. I see no reason, therefore, to interfere with the impugned order. The petitioners shall at the earliest, and in any event within two months from today, pay the remaining amount, as directed by the Assistant Commissioner of Labour, to the 2nd respondent-workman.

Subject to the aforesaid observations, the Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 23.12.2016

MRKR