

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.4823 of 2003

ORDER:

Heard Mr. Shashank for petitioner and learned Assistant Government Pleader for respondents.

2. Petitioners pray for Mandamus declaring the action of the first respondent in finalizing and fixing the schedule rates less than the minimum wages and refusing to conform to the minimum wage prescribed through Gazette Notification dated 04.05.2001 as illegal and unconstitutional.

3. The first petitioner claims to be the President of Eco Development Committee, Palutla. The second petitioner has joined as petitioner to espouse the cause of workers employed by the Forest Department for various works executed by the department.

The grievance of the petitioners is that respondents are legally bound to pay minimum wages to various categories of employees/workers working in the forest area. Respondents, on the other hand, are paying wages as per the Forest Schedule Rates (FSR).

4. With the assistance of the learned counsel appearing for the parties, I have perused the Gazette notification dated 04.05.2001, the comparative statement filed by the petitioners and the reply of respondents.

5. Respondents are not disputing their obligation to pay minimum wages to the workers employed by the department. Explanation offered is that the Gazette notification dated 04.05.2001 was received by the department after the FSR for 2001-02 was finalized.

However, justification is offered stating that there is annual increase in the wages offered by the department and no exception can be taken.

6. The cause in the writ petition, admittedly, refers to the difference of wages between the wage notified under the Minimum Wages Act and the FSR stipulated by the department.

Counsel appearing for the parties are unable to place before the Court the position subsequent to the filing of the writ petition.

7. Be that as it may, counsel for petitioners fairly states that if the representation, which is pending, is considered within the four corners of law, minimum wages are fixed and paid to the workers, the petitioners are satisfied.

8. Learned Assistant Government Pleader submits that the respondents will consider and pass orders within four (4) weeks from the date of receipt of a copy of this order.

9. I am satisfied the writ petition can be disposed of by this order:

Petitioners are given liberty to submit fresh representation, along with a copy of this order with a prayer to follow the minimum wages stipulated by the Government from time to time, to respondents. Respondents are directed to issue appropriate directions to all the committees, which are empowered to stipulate the forest schedule rates, within eight (8) weeks thereafter.

The writ petition is disposed of as indicated above. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

June 16, 2016
DSK