

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Writ Petition No.13263 of 2007

ORDER:

This Writ Petition is filed by the employer questioning the order passed by the Deputy Commissioner of Labour, Warangal, and the Authority under the Minimum Wages Act, 1948, in Case No.M.W.9 of 2006 dated 20.01.2007.

The impugned order records that a claim application was filed by the Inspector under the Minimum Wages Act; he had inspected the establishment of the petitioner on 11.05.2006; on inspection he found three persons, who were employed by the Writ Petitioner were paid less wages for the period from November, 2005 to April, 2006 in one case, from December, 2005 to April, 2006 in another case, and from November, 2005 to March, 2006 in another case; and the total claim amount was Rs.22,079/-.

In the counter-affidavit filed before the Authority under Minimum Wages Act, 1948, the petitioner herein admitted that the three employees were paid the difference in wages, soon after inspection, on the oral instructions of the Inspector in May, 2006; their stamped receipts were obtained and were produced; and these employees were not in service, and their whereabouts were not known.

The fact that minimum wages were not paid to three employees within time, and they were paid only after the premises was inspected by the Inspector, has been admitted by the petitioner before the Authority under the Minimum Wages Act. Having violated the provisions of the Minimum Wages Act, the petitioner cannot now be heard to contend that the three workmen are no longer in service, and

the compensation amount, equivalent to one month's wages, need not be paid.

The scope of judicial review, under Article 226 of the Constitution of India, is limited, more so with respect to orders passed under beneficial legislations like the Minimum Wages Act. Save where the impugned order suffers from perversity, or is patently illegal, no interference is called for. The impugned order does not suffer from any such infirmity or illegality warranting interference in proceedings under Article 226 of the Constitution of India.

The Writ Petition fails and is, accordingly, dismissed. The Miscellaneous Petitions pending, if any, shall also stand dismissed. No order as to costs.

Date:09.12.2016.

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RAMESH RANGANATHAN, ACJ.

