

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1551 of 2012

Date of Decision:- 24.10.2016.

Chanan Singh

.....Petitioner

Versus

Authority under the Minimum Wages Act, Circle Sirsa and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Lal Singh Sandhu, Advocate for the petitioner.

Mr. Satbir Gill, Advocate for respondent No.2.

P.B. BAJANTHRI, J. (Oral)

1.) In the present petition, the petitioner has questioned the validity of the order dated 7.12.2011 by which respondents have been awarded compensation of ₹ 22,800/-.

2.) Learned counsel for the petitioner submitted that petitioner never engaged the services of the respondents as labourers to produce agricultural crops or “Dhan” and “Haddi” in 10 acres of land in the Sawni 2003 and to produce the crops of wheat in the year 2004. It was further contended that there is a delay of two years in filing the application under the Minimum Wages Act, 1948 by the respondent labourers. Therefore, the order dated 7.12.2011 is liable to be set aside.

3.) On the other hand, learned counsel for the respondents submitted that the respondents are poor labourers. The petitioner after

extracting work from them as agricultural labourers, they have not been paid the minimum wages. Therefore, they were compelled to approach the Authorities under the Minimum Wages Act, 1948. The delay of two years in approaching the Wages Authorities was not intentional. It was a *bona fide*. Therefore there is no infirmity in the order passed by the Authority under the Minimum Wages Act, 1948.

4.) Heard learned counsel for the parties.

5.) The petitioner owns 10 acres of agricultural land and he has produced wheat crop during the year 2003-04. The respondents have worked as labourers, therefore, they are entitled for the wages. The contention of the petitioner that no records have been produced that respondents-labourers were engaged is untenable for the reasons that agricultural labourer record is not maintained by the owners of the agricultural land ordinarily. Had the petitioner maintained the record he would have produced contrary documents to demonstrate that respondents-Labourers were not engaged for the labour work during the year 2003-04. Hence, the contention of the petitioner that he never engaged the services of the respondent is untenable. Insofar as delay is concerned, the respondents are poor labourers. Hardly they get minimum wages and they are not aware of their right to minimum wages. Therefore, delay of two years may not be a hurdle for claiming wages by the respondents. During pendency of the petition, the petitioner is stated to have deposited a sum of ₹ 22,800/- before the Court. Since the petitioner has not made out a case so as to interfere with the order dated 7.12.2011 passed by the Authority under the Minimum Wages Act, 1948, the deposited amount of ₹ 22,800/- by the petitioner in

three months from today.

6.) Accordingly, petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

October 24, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.