

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.245 of 2017

JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed in W.P.M.P.No.4605 of 2017 in W.P.No.3860 of 2017 dated 06.02.2017 wherein the Learned Single Judge, while granting stay of the order of the Commissioner under the Minimum Wages Act, 1948 (for short "the Act") to the extent penalty was awarded upon the appellant-bank, directed them to deposit the entire minimum wages amount of around Rs.3,50,000/-, within a period of two weeks before the authority; the authority was directed to keep 50% of the amount in a fixed deposit in the name of the 2nd respondent; it was left open to the 2nd respondent to move an appropriate application before the authority for withdrawal of the said amount; the same was directed to be considered basing on the reasons assigned therein; and the authority should allow the 2nd respondent to withdraw Rs.1,75,000/- in two instalments.

The case of the appellants is that the 2nd respondent also worked as a Sweeper on a monthly salary of Rs.6,700/- which, according to them, was not even taken into consideration by the Minimum Wages Authority in determining whether or not she received minimum wages as stipulated under the Act.

The order under appeal was passed at the stage of admission. The 1st appellant herein is a nationalised bank. It is not as if the said amount cannot be recovered from them later, in case the writ petition were to be dismissed. We must, however, also take into consideration the fact that the order, which is subjected to challenge, is an order passed under the Minimum Wage Act, a social welfare legislation made to protect the interests of those who were employed by organisations even below the minimum wages.

We consider it appropriate, in such circumstances, to modify the order of the Learned Single Judge. There shall be stay of the order passed by the Minimum Wages Authority to the extent penalty was imposed on the appellant-bank. In so far as wages held payable by the appellant-bank to the 2nd respondent is concerned, the appellant-bank shall deposit Rs.1,75,000/-, constituting around 50% of the arrears of minimum wages awarded, with the 1st respondent within three weeks from today. On such deposit, it is open to the 2nd respondent to withdraw the same without furnishing any security.

The Writ Appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

02nd March, 2017
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Date: 02.03.2017

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