

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.35694 of 2012

ORDER:

Heard Sri P.Shashi Kiran for petitioners, the Assistant Government Pleader for Labour, the Assistant Government Pleader for Irrigation, Sri Vijay B.Paropkari and Sri Pushyam Kiran for respondents.

The petitioners through the instant prayer complain against inaction of respondents in stopping bills payable to the 10th respondent, who denied wages to labourers, as illegal, arbitrary and unconstitutional.

The petitioners in support of their claim for wage arrears to 275 labourers said to have been engaged by the 10th respondent for executing subject work have made a few statements.

The Executive Engineer-2nd respondent against whom the substantial allegations are made filed counter affidavit. Paragraphs '7' and '9' are excerpted keeping in view the order this court is proposing to pass in the writ petition.

"It is submitted that, there is no proper document nor any evidence towards engagement of contract and the labour payment made to them on daily/ NMR basis. The agency has not maintained any record of evidence for the advance payment made to labour and could not produce the same. After verification of Daily Labour reports submitted by the field staff, it is observed that the 275 numbers which is reported by the labour union is not correct, as the labour component involved in the carried

out worked, is only Rs.3,59,950/- duly assessed on the labour component involved on various items of works.”

It is submitted that every effort is being made for settlement of the claims amicably. There are serious factual disputes with respect to the rival claims. The respondent herein is well aware of its obligation as a principle employer and every endeavor would be made to settle the dispute amicably. In case the agency is liable to pay any amounts, the same would be withheld and paid to the contractor.”

From the reply of the 2nd respondent, it is clear that the details of labour etc., given by the petitioners are not accepted by the 2nd respondent. What is important is the 2nd respondent as principal employer has agreed to settle the dues to labour and pay the balance amount to 10th respondent.

The writ petition has been pending from 2012. The prayer is against inaction. As 10th respondent accepted the responsibility as principal employer to examine into the dispute and thereby the interest of labour said to have been engaged for executing the work is substantially protected, I am satisfied the writ petition can be disposed of by this order.

(a) The 2nd respondent is directed to issue notice to petitioners as well as the 10th respondent within four weeks from the date of receipt of a copy of this order on the pending wage dispute between the parties.

(b) The parties, to whom notices are issued, or labourer who worked in the project, are given liberty to file reply within eight weeks thereafter.

(c) The 2nd respondent examines the reply of the parties filed and after verifying all the details, determines the amount payable towards wages to labourers engaged for execution of this project, subject to such determination, makes payment to the labourers entitled in this behalf within a further period of four weeks.

(d) It is needless to observe that upon such determination and payment, the balance amount if remains in the account is directed to be paid to 10th respondent within four weeks.

(e) The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

S. V. BHATT, J

Date: 04-04-2017
Prv

