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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 1080 of 2008**

M/s Bharat Industrial Works (Bhilai) Pvt. Ltd. Through Director, M/s. Bharat Industrial Works (Bhilai) Pvt. Ltd, 21 Heavy Industrial Area, Hathkhaj, Bhilai, District Durg Chhattisgarh

---- Petitioner**Versus**

1. Union Of Indian, through Secretary, Ministry of Labour, Government of India, New Delhi.
2. Authority under Minimum Wages Act, 1948 and Regional Labour Commissioner (Central) Raipur, Chhattisgarh
3. Labour Enforcement Officer (Central) Raipur
4. Duryodhan S/o. Vishnu Kampu, Zone-1, Labour Colony, Khursipar, Bhilai, District Durg Chhattisgarh
5. Shivkumar S/o. Lalit Chandra Laha, Zone-1, Labour Colony, Khursipar, Bhilai, District Durg Chhattisgarh
6. Rajendranath, S/o. Balamuthu, Vrindanagar, Post Office Supela, Bhilai, District Durg Chhattisgarh
7. Dilip, S/o. Ramayan, Camp-1, Sector-1, Bhilai, District Durg Chhattisgarh
8. Tarun Das, S/o. Sajudas Vrindanagar, Post Office Supela, Bhilai, District Durg Chhattisgarh
9. Maiman, S/o. D. Singh, Vrindanagar, Post Office Supela, Bhilai, District Durg Chhattisgarh
10. Muku Rao, S/o. Trna Rao, Zone-1, Labour Colony, Khursipar, Bhilai, District Durg Chhattisgarh
11. Ramnarayan, S/o. L. Khoya, Camp-1, Sector-1, Bhilai, District Durg Chhattisgarh
12. B.C. Samant, S/o. B. Venkat, Camp-1, Sector-1, Bhilai, District Durg Chhattisgarh
13. Nirmal, S/o. Hiralal, Zone-1, Labour Colony, Khursipar, Bhilai, District Durg Chhattisgarh
14. Loknath, S/o. A.N. Maipy, Zone-1, Labour Colony, Khursipar, Bhilai, District Durg Chhattisgarh
15. Rajesh S/o. Sukhbir, Zone-1, Labour Colony, Khursipar, Bhilai, District Durg Chhattisgarh
16. Ashish K. Bose, S/o. B.K. Bose, Camp-1, Sector-1, Bhilai, District Durg Chhattisgarh
17. Umesh Kumar, S/o. Baidyanath Sahu, Vrindanagar, Post Office Supela, Bhilai, District Durg Chhattisgarh
18. Ramesh S/o. Murli, Camp-1, Sector-1, Bhilai, District Durg Chhattisgarh

---- Respondents

For Petitioner	:	Dr. N.K. Shukla, Sr. Advocate along with Mr. Vikram Sharma, Advocate
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Hon'ble Shri Justice P. Sam Koshy
Order on Board

22/02/2018

1. Present petition has been filed assailing the order (Annex.P/10) passed by the authority under the Minimum Wages Act, 1948 i.e. the Regional Labour Commissioner (Central) Raipur.
2. Vide the said order the Tribunal has ordered for depositing of an amount of Rs.1,15,953/- as compensation along with difference of wages payable to the workers engaged by the petitioner in respect of the work, which they had executed with the Bhilai Steel Plant.
3. At the outset, the counsel for the petitioner submits that the entire proceedings initiated by the Labour Enforcement Officer (Central), Raipur [in short, "the LEO (Central)"] is misconceived for the reason that the petitioner which is a limited company in which Mr. Mukesh Jain was a Director had never got a contract of work at the Bhilai Steel Plant, Bhilai.
4. It was further contended by the counsel for the petitioner that in fact the work which was allotted to the Bhilai Steel Plant was to a different firm by same name and whose proprietor also has the same name i.e. Mr. Mukesh Jain and the said firm and the said Mukesh Jain are entirely different entity and altogether different person and not the present petition firm and Director Mukesh Jain of the present company. He submits that the petitioner had specifically raised this issue before the authority concerned, but they had not properly

appreciated this aspect and order has been passed in a mechanical manner.

5. However, perusal of the record would show that the complainant i.e. LEO (Central) was examined as a witness before the authority under the Minimum Wages Act, 1948 and that he had specifically deposed before the authority of the petitioner's establishment being given the work of construction and fabrication of SP-3 at Bhilai Steel Plant, CG, which is a scheduled employment under the Minimum Wages Act, 1948 and for which the minimum wage fixed by the Central Government was applicable.
6. Further from the impugned order it also reveals that inspite of sufficient/ ample opportunity being given to the petitioner, they did not cross-examine the LEO (Central) i.e. the complainant before the authority. To add further the petitioner themselves again inspite of further sufficient time being granted to them choose not to lead any evidence to substantiate their contentions.
7. Even, if the petitioner would not have cross-examined the complainant, it was the duty of the petitioner to have atleast produced sufficient material before the authority concerned by way of evidence to prove that the firm which was awarded the contract by the Bhilai Steel Plant was not the petitioner's firm, but was a different Bharat Industrial Work and which was a proprietorship firm and whose proprietor Mukesh Jain was also a entirely different person. In the absence of any such evidence on record, the evidence of the LEO (Central) has to be taken into consideration as he has on oath deposed before the authority concerned.

8. Under the given facts and circumstances of the case, this Court does not find any strong case made out by the petitioner calling for an interference with the finding of fact arrived at by the authority under the Minimum Wages Act, 1948 vide Annex.P/10.
9. The writ petition thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved