

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2581 of 2004

ORDER

This writ petition is filed seeking a writ of mandamus to set aside the order dated 05.03.2003 passed in M.W.Case No.22 of 2002 on the file of the first respondent.

2. Heard learned counsel for the petitioner and learned Government Pleader for Labour.

3. The petitioner contended that it is a registered company under the Companies Act with effect from December, 1998 and that for the convenience of its employees, a canteen was being run on contract basis entrusting to a contractor and that claiming the difference of minimum wages, the workers had filed M.W.Case No.22 of 2002 on the file of the first respondent and the same was allowed on 05.03.2003 holding that the applicants are entitled to Rs.73,387/- towards difference of wages and imposed two times compensation i.e., Rs.1,46,774/- under Section 20(2) of the Minimum Wages Act, and directed the respondents therein to deposit the amount of Rs.2,20,161/- including two times compensation by way of D.D. drawn in favour of each worker/employer and challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner submits that this Court, while admitting the writ petition on 12.02.2004, was pleased to grant interim suspension subject to condition of the petitioner depositing

an amount of Rs.73,387/- within six weeks and the petitioner has complied with the said direction.

5. Learned counsel for the respondents submits that the first respondent has rightly passed the order and there is no irregularity or illegality warranting interference by this Court and the writ petition is liable to be dismissed.

6. The only issue is whether the first respondent was justified in imposing the two times compensation in exercise of his power under Section 20(2) of the Minimum Wages Act.

7. This Court, having considered the said submissions, is of the considered view that the first respondent ought to have imposed only one time penalty as compensation and therefore, ends of justice would be met if the order passed by the first respondent is modified from two times compensation to that of one time compensation i.e., Rs.73,387/- payable to the workers.

8. With the above modification, the Writ Petition is disposed of. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

27th November, 2018

sj