

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12822 of 2002

ORDER:

This writ petition is filed seeking the following relief :

“... to issue a writ, order or direction more in the nature of Certiorari calling for records relating to and in connection with the orders passed in the Court of the Authority under Section 20 of Minimum Wages Act, 1948, Kothagudem, in File No.B/607/2001, M.W.Case.No.36 of 2001, dated 6.6.2002, communicated to the petitioner on 22.06.2002 allowing claim and awarding compensation of Rs.10,518/- under Minimum Wages Act, 1948 and to declare the said orders, as highly arbitrary, illegal and in violation of the provisions of the Minimum Wages Act, 1948, and quash the same and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri P.V.Ramana, learned counsel appearing for the petitioner and learned Government Pleader for Labour, appearing for the respondent.

The brief facts of the case are that the Assistant Labour Officer, Bhadrachalam, filed an application before the Authority i.e., Labour Officer, Kothagudem, under Section 20 (2) of the Minimum Wages Act, 1948 (for short 'the Act') stating that the petitioner had failed to pay the minimum wages to his employees in accordance with G.O.Ms.No.53, dated 17.10.2001. The Mandal Education Officer, Bhadrachalam, visited the Child Rehabilitation Camp on 3.11.2001, and on enquiry, he came to know that the employees, who worked in the petitioner hotel, stated that since 10 days & 30 days they have been working and they were

paid Rs.200/- and Rs.450/- in addition to the food and shelter. The Mandal Education Officer recorded the said statements and submitted the same to the Sub-Collector, Bhadrachalam, who in turn, directed the Assistant Labour Officer, Bhadrachalam, to take action against the petitioner, in accordance with law. In pursuance of the same, the Assistant Labour Officer, Bhadrachalam, visited the hotel of the petitioner, but the petitioner failed to appear in person and produce the relevant records. The Authority under the Minimum Wages Act i.e., Labour Officer, Kothagudem, on appreciating the entire material placed before it, *vide* order dated 6.6.2002, directed the petitioner to deposit an amount of Rs.10,518/- before the Authority. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that there was no evidence on record to show that the petitioner has not complied with the requirements laid down under the Payment of Minimum Wages Act. In support of his contention, learned counsel relied on the decision of the Bombay High Court in *Dattatraya Shankar Joshi Vs. Doere (R.M.)*¹ wherein it was held as under:

“In this case, there is no evidence to show that, during the material period, 1 July 1956 to 31 December, 1956, for which period alone the application had been made, respondent 4

¹ 1961(2) LLJ 4

had worked as a distributor. The evidence relied upon by the authority relates to some period in 1958. In the absence of any evidence to show that principal work of respondent 4 during the relevant period 1 July 1956 to 31 July 1956, was that of a distributor, the authority could not award to him the wages fixed for a distributor. The order made by the authority in respect of this respondent 4 must, therefore, be set aside.”

Learned Government Pleader appearing for the respondent contends that the petitioner failed to appear before the authority; that except making a bald statement that he had not employed the said employees, the petitioner had not produced any record to demonstrate that the said employees were not engaged by him to work in the hotel and hence, the Authority has rightly passed the impugned order directing the petitioner to deposit an amount of Rs.10,518/- and therefore, no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the petitioner neither appeared before the authority concerned nor participated in the cross-examination. He failed to produce relevant records to demonstrate that the said employees were not engaged by him. When the petitioner has failed to point out any illegality and irregularity in the impugned order passed by the authority, this Court is not inclined to interfere with the same. The writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions pending if any, shall stand closed. No costs.

JUSTICE ABHINAND KUMAR SHAVILI

17th September, 2018
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