

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12525 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 and Labour Officer, Kothagudem in File No.B/604/2002, M.W. Case No.31 of 2001, dated 6.6.2002 communicated to the petitioner on 3.7.2002 allowing claim and awarding compensation of Rs. 25,925/- under Minimum Wages Act 1948 and to declare the said orders, as highly illegal and arbitrary and in violation of the provisions of the Minimum Wages Act, 1948.”

Heard Si P.V.Ramana, learned counsel for the petitioner and learned Government Pleader for Labour.

It is contended by the petitioner that the Assistant Labour Officer, Bhadrachalam, basing on the orders of the Sub Collector, Bhadrachalam, had passed the impugned orders, dated 6.6.2002 under the Minimum Wages Act against him alleging that he had not paid the minimum wages to the employees working under him in accordance with G.O.Ms.No.53 dated 17.10.2001. On enquiry by the Mandal Education Officer on 3.11.2001, when he visited the child rehabilitation camp, it had been revealed that the boys, who had worked under the petitioner, were paid Rs.500/- and Rs.1350/- respectively in addition to food and shelter. On recording the statements of boys, the same were handed over to the Assistant Labour Officer for taking action. The petitioner was directed to deposit

an amount of Rs.25,925/- by way of crossed demand draft in favour of the lower authority.

Learned counsel for the petitioner has relied upon the decision of the Bombay High Court in the case of *Dattatraya Shankar Joshi Vs. Doore (R.M.)* wherein it was held as follows:

“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 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.”

Admittedly, in the instant case, there was no evidence and the period is not determined for which, it was alleged that the petitioner had not complied with the payment of minimum wages.

Learned Government Pleader appearing for the respondent would contend that the petitioner failed to appear before the authorities and except making a bald statement that he had not employed the children in whose favour the authorities had passed the orders, the petitioner had also not produced any record to demonstrate and claim that the children were not engaged by the petitioner to work in his hotel.

This Court, having considered the rival submissions made by the parties, is of the considered view that when the petitioner has not appeared before the authority nor participated in the cross examination. The petitioner has not produced any records to

demonstrate that children are not engaged and he has not denied the payment of minimum wages. In the absence of the same, this Court finds no reason to interfere with the impugned orders, more so, when there is no illegality and irregularity pointed out in the orders passed by the authorities. In view of the same, the writ petition is devoid of merits.

The writ petition is dismissed as devoid of merits. No costs.

Miscellaneous petitions pending if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 12/09/2018
slk



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