

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

WRIT PETITION NO. 13481 OF 2010

ORDER :

This writ petition is filed by the petitioners seeking to issue a writ of certiorari relating to the order passed by the authority under Minimum Wages Act in Application No.1 of 1994, dated 30-09-1998 and to quash the same and to pass such other suitable orders as this Court may deem fit and proper in the circumstances of the case.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Labour as Sri K. Lakshman, learned Assistant Solicitor General for the official respondents.

3. It is seen from the record that on 22-10-2018, there is a direction of this Court directing the petitioners to take steps against respondents 3, 7, 11, 12 and 15 and as per the endorsement of the Registry notices have been served upon R-1, R-2, R-4, R-5, R-6, R-8, R-10, R-13 and R-14. In so far as R-3, R-7, R-11, R-12 and R-15 were returned unserved as the addressee expired and R-9 returned unserved as not claimed. In view of the endorsement of the Registry dated 21-10-2018 and 08-11-2018, it is deemed that service has been effected,

4. It is the case of the petitioner that the petitioner is the Railways and aggrieved by the orders passed by the first respondent, the present writ petition has been filed.

5. It is the case of the petitioners that there is no 'employee' and 'employer' relationship and the respondents 3 to 15 are licensed porters and are not the employees of the petitioners. In view of the same, the question of making any payment under the Minimum Wages Act does not arise and the counsel relied upon the judgment of this Court in WP.No. 22674 of 1999, dated 24-6-2010.

6. In view of the above, this writ petition is allowed, setting aside the orders of the first respondent, dated 30-09-1988. No costs.

7. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE T. AMARNATH GOUD.

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[RESULT : WRIT PETITION IS ALLOWED]

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