

HON'BLE SRI JUSTICE M.GANGA RAO

W.P.No.16207 OF 2001

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the order dated 31.12.2000 passed by the 1st respondent, as arbitrary and illegal.

The brief facts of the case are that the petitioner filed an application before the 1st respondent-authority claiming a sum of Rs.5,368/- towards difference of wages stating that he worked as a stocker in the 2nd respondent barron for a period of 93 days from 20.12.1998 to 22.3.1999 without break and attended eight series of curing of tobacco and was paid Rs.1,142/- towards advance by the 2nd respondent as against a sum of Rs.6,510/-. As he worked for 93 days as daily wage worker, he claims that he is entitled to Rs.70/- per day, totalling to Rs.6,510/-, and after deducting the advance amount of Rs.1,142/-, the amount due is Rs.5,368/- and therefore, he is entitled to compensation of Rs.53,600/-.

Before the authority, the petitioner had not filed any documentary evidence, but examined AW1 & AW2 on his behalf. The 1st respondent-authority after considering the evidence available before it, came to the conclusion that the petitioner-applicant himself admitted that there was an oral agreement between him and the 2nd respondent for Rs.5,000/- to work for the entire season i.e., for ten curings of their tobacco and was paid Rs.2,500/- as an advance, but the 2nd respondent stated that the petitioner had worked only for 15 days i.e., for two curings and left

the work without informing the 2nd respondent. Hence, he engaged another person viz., Datla Sudhakar, who completed the remaining work. As the petitioner failed to produce any documentary evidence, the 1st respondent-authority having disbelieved the version of the petitioner that he worked for 93 days, and was entitled for the balance amount of Rs.5,368/-, dismissed the application filed by the petitioner.

Learned counsel for the petitioner would contend that though the 2nd respondent failed to produce any documentary evidence viz., combined muster register and wage register as per Rule 30 (6) contained in Minimum Wages Act, 1948 and Form X-A of the Rules, the 1st respondent-authority ought to have allowed the application believing the version of the petitioner.

Learned counsel appearing for the 2nd respondent would contend that the petitioner has to work for the entire season i.e., for ten curings, but the petitioner had worked only for 15 days and had taken advance of Rs.2,500/- and left the work without intimating the same to the 2nd respondent. He further contends that as the petitioner failed to produce any evidence in support of his plea that he worked for 90 days from 20.12.1998 to 22.3.1999, the 1st respondent-authority rightly dismissed the application filed by him and no interference is called for from this Court.

There is no merit in the contention of the petitioner that if the 2nd respondent failed to maintain such registers, as per the rules, he is liable for imposition of punishment for not maintaining

the records, but no adverse inference can be drawn against the 2nd respondent. The petitioner has to produce all the evidence in support of his contention and prove his case independently. Further, the petitioner in his evidence deposed that he entered into an oral agreement with the 2nd respondent to work for 93 days for 10 curings of tobacco, but the petitioner had worked only for 15 days and left the same without informing the 2nd respondent taking advance of Rs.2,500/-.

In view of the above, this Court is of the considered view that there is no illegality or material irregularity in the order impugned.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE M.GANGA RAO

5th July, 2018
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