

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4429 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the order of the 2nd respondent in P.W.Case No.13/03, dated 05.02.2004 as illegal, arbitrary and violative of principles of natural justice.

Heard Ambadipudi Satyanarayana, learned counsel for the petitioner and the learned Government Pleader (Labour) for respondents.

It has been contended by the petitioner that the 1st respondent was employed with the petitioner company as sales promotion officer and resigned to the said post on 01.12.2001. After resignation, he filed P.W.Case.No. 13/2003 before the authority under the Minimum Wages Act, 1948 (for short 'the Act') complaining about the non-payment of salary of Rs.16,494/- and the authority under the Act had allowed his claim directing the petitioner to pay the compensation two times the claimed amount by the 1st respondent i.e., Rs.32,988/-, without giving an opportunity to the petitioner. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that as per Section 20 (3) (ii) of the Act, the authority can impose punishment of payment of an amount, not exceeding Rs.10/- but in the instant case, the authority directed the petitioner to pay twice the amount claimed by the respondent workman which is contrary to Section 20 (3) (ii) of the Act and therefore, the order passed by the authority is liable to be set aside. He further contends that this Court was pleased to grant interim suspension of the order dated 05.02.2004 of the 2nd respondent vide order dated 10.03.2004 on

condition of the petitioner depositing an amount of Rs.16,494/-, which is the original amount claimed by the respondent workman and the petitioner has complied with the said order passed by this Court.

This Court, having considered the submissions made by the learned counsel for the parties, is of the considered view that the authority ought to have exercised the power under Section 20 (3) (ii) of the Act instead the authority has imposed twice the amount claimed by the respondent as compensation. Therefore, the order passed by the authority in P.W.Case No.13/2003, dated 15.02.2004 is liable to be set aside and is accordingly set aside. The amount claimed by the respondent workman had been paid by the petitioner in pursuance to the interim order passed by this Court. However, the petitioner is liable to pay an amount of Rs.10/- in accordance with Section 20 (3) (ii) of the Act. Therefore the petitioner is directed to pay an amount of Rs.10/- to the respondent workman within a period of four weeks from the date of receipt of copy of this order.

Accordingly, writ petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

26th November, 2018
dv

