

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.21031, 21036 & 21120 of 2003

COMMON ORDER :

As the issue raised in these three writ petitions is one and the same, these writ petitions are heard together and are being disposed of by this common order. For the sake of convenience, facts as narrated in W.P.No.21031 of 2003 are hereunder discussed.

The writ petition in W.P.No.21031 of 2003 is filed seeking a Writ of Certiorari calling for the records from the 1st respondent in connection with and relating to P.W.No.19 of 2002, dated 25.02.2003 and quash or set aside the same holding as arbitrary and illegal.

Heard Sri L.Venkateswara Rao, learned Standing Counsel for GHMC, learned Government Pleader for Labour and also the learned Counsel appearing for the respondents/workmen.

It has been contended by the learned Standing Counsel for GHMC that the respondents/workmen have approached the Authority under Minimum Wages Act by filing P.W.No.19 of 2002, contending that the minimum wages were not being paid and the Authority under Minimum Wages Act had erroneously allowed the claim made by the respondents/workmen and directed the GHMC to deposit an amount of Rs.1,09,200/-. Challenging the same, the GHMC approached this Court by filing these writ petitions.

The learned Standing Counsel for petitioner-Corporation contended that none of the contentions raised by the Corporation were considered by the Authority under Minimum Wages Act and the said Authority had mechanically passed orders in favour of respondents/workmen. The Authority had not properly appreciated the case. The payment of minimum wages would not be applicable in respect of Municipal Corporation. The Authority had failed to appreciate that the respondents/workmen were never engaged directly by the petitioner-Corporation, but they were engaged through a Contractor, and hence, there is no Master-Servant relationship between the petitioner-Corporation and the respondents/workmen. He contends that the writ petitions be allowed and the orders passed by the Authority under Minimum Wages Act be set aside.

The learned Government Pleader for Labour contended that the Authority under Minimum Wages Act had rightly passed orders in favour of respondents/workmen and the petitioner-Corporation could not point out any grave irregularity or illegality in the orders passed by the said Authority. Therefore, the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by both the parties, is of the considered view that the Authority under Minimum Wages Act had rightly passed orders in favour of

respondents/workmen and the petitioner-Corporation could not point out any grave irregularity or illegality in the orders passed by the Authority under Minimum Wages Act.

For the aforesaid reasons, there are no merits in these writ petitions and the same are accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16th November, 2018

ajr

