

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.20127 of 2003**

**ORDER :**

1. The writ petition is filed seeking a Writ of Certiorari calling for the records from the 1<sup>st</sup> respondent in connection with and relating to P.W.No.14 of 2002, dated 25.02.2003 and quash or set aside the same holding it as arbitrary and illegal.

2. Heard Sri Ghanta Rama Rao, learned Standing Counsel for the petitioner, learned Government Pleader for Labour and also the learned Counsel appearing for the respondents/workmen.

3. It has been contended by the learned Standing Counsel for the petitioner that the respondents/workmen have approached the Authority under the Payment of Wages Act by filing P.W.No.14 of 2002, contending that the minimum wages were not being paid and the Authority under Payment of Wages Act had erroneously allowed the claim made by the respondents/workmen and directed the petitioner herein to deposit an amount of Rs.72,000/-. Challenging the same, the petitioner-Municipal Corporation approached this Court by filing this writ petition.

4. The learned Standing Counsel for the petitioner-Corporation contended that none of the contentions raised by

the Corporation were considered by the Authority under Payment of Wages Act and the said Authority had mechanically passed orders in favour of respondents/workmen, and that the Authority had not properly appreciated the case, and that payment of minimum wages would not be applicable in respect of Municipal Corporation. He further contended that 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 contended that the writ petition be allowed, and the orders passed by the Authority under Payment of Wages Act be set aside.

5. The learned Government Pleader for Labour contended that the Authority under Payment of 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.

6. This Court, having considered the rival submissions made by both the parties, is of the considered view that the Authority under Payment of 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 Payment of Wages Act. There are no merits in this writ petition.

7. Accordingly, the Writ Petition is dismissed. No order as to costs. Pending miscellaneous applications, if any, shall stand closed.

---

**ABHINAND KUMAR SHAVILI, J**

23<sup>rd</sup> November, 2018  
Nn



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No.20127 of 2003  
(dismissed)

Nn 23<sup>rd</sup> November, 2018

