

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21134 of 2003

ORDER:

This writ petition is filed seeking to issue a Writ of *Certiorari* calling for the records pertaining to and connected with P.W.No.5 of 2002 dated 25.02.2003, issued by respondent No.1 and quash the same as arbitrary and illegal.

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

It is stated that respondents/workmen have approached the Authority under Minimum Wages Act by filing P.W.No.5 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.51,300/-. Challenging the same, the GHMC approached this Court by filing the present writ petition.

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 petition 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 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 the writ petition and the same is accordingly dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

16.11.2018
Mjl/*