

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16100 of 2004

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the order dated 28.6.2004 passed in MW No.16 of 2002 by the Authority under the Minimum Wages Act, 1948-cum-Assistant Commissioner of Labour, Vizianagaram and to quash or set aside the same by holding it as arbitrary and illegal.

Heard Sri T.S.Anand, learned counsel appearing for the petitioner, learned Government Pleader for Labour appearing for the 1st respondent and Sri V.Raghu, learned counsel appearing for the 2nd respondent-Workman.

The petitioner is an educational institution and it is being run by a Trust, known as "MANSAS" and it is also running a hostel for the benefit of the students on a non-profit basis. In order to run the hostel, it employed the 2nd respondent-workman. Thereafter, the 2nd respondent-workman had approached the Authority under the Minimum Wages Act complaining that the petitioner is not paying minimum wages to him. The Authority under the Minimum Wages Act had entertained the complaint of the respondent-workman and passed an order on 28.6.2004 in MW No.16

directing the petitioner to pay an amount of Rs.1,16,208/- towards difference of minimum wages without appreciating any of the contentions raised by the petitioner. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the petitioner is running the hostel on non-profit basis; that the Minimum Wages Act has no application; that without considering this aspect, the Authority under the Minimum Wages Act had mechanically passed impugned order in favour of the 2nd respondent-workman; that appropriate orders be passed by setting aside the impugned order; and that the writ petition is liable to be allowed.

Learned counsel appearing for the respondent-workman contends that the Authority under the Minimum Wages Act has rightly passed the impugned order in favour of the 2nd respondent-workman; that this Court while admitting the writ petition on 9.9.2004 granted interim stay and subsequently, the said interim order was modified to the effect that the petitioner was directed to deposit a sum of Rs.60,000/-.

In pursuance of the said order, now the issue remains to be considered is with regard to payment of Rs.56,000/- only.

Having regard to the rival submissions made by the learned counsel on side, this Court is of the considered view

that the Authority under the Minimum Wages Act has rightly passed the order in favour of the 2nd respondent-workman. Ends of justice would be met if a direction is given to the petitioner to pay the remaining amount of Rs.56,000/- to the respondent-workman.

Accordingly, the Writ Petition is disposed of directing the petitioner to pay the remaining amount of Rs.56,000/- to the 2nd respondent-workman. No costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

12th December, 2018
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