

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.12106 OF 2005

ORDER

This writ petition is filed seeking the following relief:

“to issue an order, direction or writ particularly one in the nature of Writ of Certiorari or any other appropriate writ after calling for the records, quash the orders dated 27.4.2005 in M.W.No.36 of 2004 on the file of the Authority under Minimum Wages Act, 1948-cum-Asst.Commissioner of Labour-II, Hyderabad, as illegal, arbitrary and without jurisdiction and pass such other order or orders as the Hon'ble Court deems fit and proper in the circumstances of the case.”

Heard Smt K.Udaya Sri, learned counsel appearing for the petitioner and learned Government Pleader for Labour appearing for the 1st respondent.

The petitioner is a company registered under the Companies Act. It provides private security service to the public sector undertakings and factories. The 2nd respondent was engaged by the petitioner to work as Security Guard at National Academy of Agricultural Research Management (NAARM). The petitioner paid salary to the 2nd respondent in accordance with Rule 25 of A.P. Contract Labour (Regulation & Abolition) Rules, 1971, (for short 'the Rules') as notified from time to time. The 2nd respondent has approached the 1st respondent-Authority under Minimum Wages Act complaining that he is not being paid wages as prescribed in

G.O.Ms.No.33, dated 6.3.1991 and G.O.Ms.No.80, dated 02.12.2000 for the period from 1.1.2001 to 28.2.2002. The 1st respondent had entertained the complaint of the 2nd respondent-workman, numbered the same as M.W.No.36 of 2004 and without appreciating any of the contentions raised by the petitioner, passed an order on 27.4.2005 holding that the workman is entitled to a sum of Rs.15,500/- towards difference of wages. Challenging the same, the present writ petition is filed.

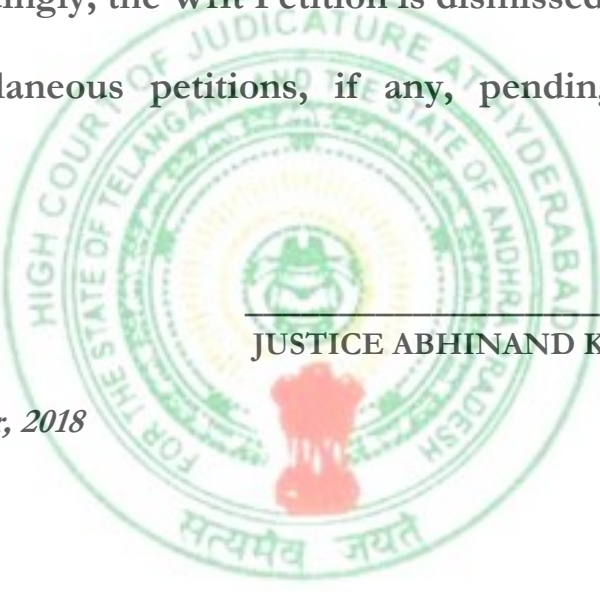
Learned counsel appearing for the petitioner submits that the complaint before the 1st respondent is not maintainable as the petitioner has paid wages to the 2nd respondent as per Rule 25 of the Rules; that without appreciating any of the contentions raised by the petitioner, the 1st respondent held that the 2nd respondent-workman is entitled for a sum of Rs.15,500/- towards difference of wages; that appropriate orders be passed by setting aside the order passed by the 1st respondent.

Learned Government Pleader appearing for the 1st respondent submits that the 1st respondent has rightly passed order in favour of the 2nd respondent and there is no irregularity or illegality in the order passed by the 1st respondent.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that as proper wage certificates were not given to the 2nd respondent-workman by the petitioner and it failed to produce any contract licence for providing private security service on contract basis, the 1st respondent rightly passed the order in favour of the 2nd respondent-workman. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

21st December, 2018
rkk

