

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9136 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of certiorari, calling for records relating and connecting with the proceedings in MW.No.6/2000, dated 11.04.2002 on the file of the 1st respondent and consequently quash the said proceedings holding it as arbitrary, illegal and violative of the provisions of the Minimum Wages Act.

Heard Sri R.Yogender Singh, learned counsel for the petitioner and the learned Govt.Pleader for Labour.

It has been contended by the petitioner that the petitioner company is a manufacturing company of Agro Chemicals. The Inspector under Minimum Wages Act had inspected the premises of the petitioner company and recorded certain statements of the workmen. Based upon the inspection report, the Assistant Labour Officer filed a case in MW.No.6/2000 before the Authority under the Minimum Wages Act, complaining that the petitioner company is not paying minimum wages to its workmen.

The contention of the petitioner is that no inspection report was produced before the Authority under Minimum Wages Act. The petitioner has filed a counter before the 1st respondent Authority, but the 1st respondent authority has not looked into. In fact, the petitioner has filed I.A.No.4/2001 in MW No.6/2000 seeking permission to lead evidence to the effect that the petitioner company has been paying wages to its workmen in accordance with the provisions of the Minimum Wages Act. But the 1st respondent authority has not entertained the said I.A. and

mechanically passed an order, imposing 3 times compensation on the claimed amount, amounting to Rs.5,27,380/- and directed the petitioner to pay the said amount within 15 days. Challenging the same, the present writ petition is filed.

The learned Govt.Pleader for Labour has contended that the 1st respondent authority has rightly passed an order based upon the report given by the Assistant Labour Officer to the effect that the petitioner was not paying minimum wages to its workmen.

This court, having considered the rival submissions made by the parties, is of the considered view that no material is placed before this court to demonstrate that the petitioner company is paying minimum wages. In the absence of any material before this court, this court cannot adjudicate and come to a conclusion that the petitioner company was paying minimum wages to its workmen. Had the petitioner company filed any material that they have been paying minimum wages, then, perhaps, this court could have come to the rescue of the petitioner company. There are no merits in this writ petition.

In view of the above, the writ petition is dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI ,J

Date: 16.08.2018
Dsr