

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 491 of 2019**

*{Arising out of Order dated 02/01/2018 passed in Writ Petition(L) No. 5940 of 2008 by
the learned Single Judge}*

- Labour Enforcement Officer Central, Bilaspur, Distt. Bilaspur Chhattisgarh

----Appellant/Respondent No. 2 in WPL 5940/08**VERSUS**

1. Rayalseema Concrete Sleepers (P.) Ltd. Through- The General Manager,
Opposite Railway Station, Kargi Road Kota, Distt. Bilaspur Chhattisgarh

----Petitioner in WPL 5940/08

2. Gorelal S/o Shri Bisahu Singh
3. Bishnu S/o Shri Indrapal Singh
4. Shiv S/o Narayan singh
5. Moritram S/o Tihara Singh

All R/o Navapara, Kota, Bilaspur, C.G.

-----Respondents

For Appellant	:	Mr. Rajkumar Gupta, Advocate
For Respondents	:	Mr. S.P. Kale, Advocate.

Hon'ble Shri P.R. Ramachandra Menon, Chief Justice**Hon'ble Shri Parth Prateem Sahu, Judge****Judgment on Board****Per P.R. Ramachandra Menon, Chief Justice.****22/10/2019**

1. This appeal filed by the 2nd respondent (Labour Enforcement Officer, Central, Bilaspur), in the writ petition, presumably, at the instance of the 1st respondent who has been the adjudicating authority under the relevant provisions of law, particularly, the Minimum Wages Act, is against the judgment passed by the learned Single Judge, whereby the impugned order passed by the 1st respondent in the writ petition (Annexure P/1 dated 29-05-2008) was set aside

for want of jurisdiction, competence and authority.

2. We have heard Mr. Rajkumar Gupta, learned counsel for the appellant as well as Mr. S.P. Kale, learned counsel for the 1st respondent who filed the writ petition.
3. The sequence of events is as follows: The authorities under the Labour Department, conducted an inspection in the premises of the writ petitioner who is engaged in manufacturing of Concrete Sleepers, deploying the respondents No. 3 to 6, in the writ petition, at their Stone Quarry. The inspector found that respondents No. 3 to 6 in the writ petition were not paid the statutory minimum wages for the period from 01-11-2005 to 13-03-2006, as fixed by the appropriate Government. The Inspector filed necessary proceedings before the Authorities under the Minimum Wages Act which resulted in Annexure P/1 order (passed by the 1st respondent in the writ petition), directing the writ petitioner to satisfy the differential amount of Rs. 6,244.77/- and to pay a compensation of 10 times the differential wage, which comes to Rs. 62,447.70/-; totaling a sum of Rs. 68,692.47/-. This made the writ petitioner to feel aggrieved who approached this Court by filing the writ petition, mainly contending that Section 20 of the Minimum Wages Act or Section 22 under the said statute did not confer any power upon the authority concerned to pass an order like Annexure P/1.
4. According to the learned counsel for the writ petitioner, the power conferred upon under the authority under Section 20 as above was only to fix the minimum wages and was never to ensure payment of the amount, if at all, any difference was there. If the workers were actually aggrieved and were having any claim in this regard, it was quite open for them to approach the competent authority by filing necessary petition under Section 15(1) of the Minimum Wages Act or to move other appropriate forum in terms of Section 33-C(2) of the Industrial Dispute Act for getting the due amount. The role of Execution

Court has been virtually taken over by the authority who passed Annexure P/1 order, which hence was sought to be interdicted.

5. The workers who are in the party array sought to sustain the order and the matter was heard elaborately by the learned Single Judge with reference to the binding judicial precedents. Reliance was sought to be placed rendered by the Supreme Court in the matter of **Town Municipal Council, Athani v. Presiding Officer, Labour Court, Hubli and others** reported in **AIR 1969 SC 1335**, where, scope of the legal provision was explained, holding that it was not really intended to be an Act for enforcement of payment of wages; for which provision was there in other laws, such as the Payment of Wages Act, Industrial Dispute Act, etc. The relevant portion of the said verdict was extracted by the learned Single Judge, who observed that the said judgment was followed subsequently in the case of **Manganese Ore(India) Ltd. v. Chandi Lal Saha** and others reported in **1991 LAB I.C. 524**; paragraph 17 of which was also extracted therein. The learned judge also took note of the judgment passed by the Orrisa High Court placing reliance upon the above decisions. It was accordingly, that a clear finding was rendered to the effect that the course pursued by the adjudicating authority vide Annexure P/1 order was far beyond the jurisdiction and power conferred upon him. The subsequent developments have also been taken note of by the learned Single Judge as evident from paragraph 4 of the judgment under challenge; the relevant portion of which is extracted below.

“4. ...it was further contended by Shri Kale that the Petitioner, however, in due course of time had paid the principal amount to each of the workers and an intimation in this regard was also sent to be competent Authority vide Annexure P-3, dated 20.6.2006, wherein the payment as quantified by the Authority has been paid to each of the workers, receipt of which is enclosed as Annexure P-4 along with present writ petition

showing the payment made to each of the private respondent i.e. Respondents No. 3 to 6. He thus prayed for the quashing of the impugned order.”

It was accordingly, that the impugned order (Annexure P/1) was set aside. In the said circumstance, we are of the view that this is not a fit case to call for any interference. The verdict passed by the learned Single Judge is perfectly within the four walls of law and is not assailable under any circumstances.

6. Another aspect to be noted is that the final verdict passed by the learned Judge on 02-01-2018, whereas the appeal has been filed only on 27-09-2019, with a delay of 585 days. There is absolutely no reason to condone the inordinate delay as discernible from the contents of the application filed in this regard. The version of the appellant, as given in para 2 & 3, are extracted below:

“2. That there is a delay of in filing the present appeal due to bonafied reasons. The Hon'ble Court has passed the impugned order after which the petitioner department came to know about it and the matter was raised before concerned authorities and appeal was decided to be filed.

3. That it is humbly submitted that, the draft prepared by the Government Counsel was required to be vetted by the Office of Legal Advisor, Ministry of Labor and Employment which could be only be done on 11/04/2019. After which the draft was finalized to filed before the Hon'ble Court.”

7. It is vaguely stated that, after passing the judgment and after the department came to know about it, the matter was taken up before the authorities concerned; when appeal was decided to be filed and that the proceedings had to be vetted from the Office of the Legal Advisor, Ministry of Labour and Employment, which could be only be done on 11-04-2019. This cannot be treated as any explanation at all; much less anything satisfactory. The

application for condonation of delay is liable to be dismissed and it is ordered accordingly.

8. In the above facts and circumstances, interference is declined. Both the application for condonation of delay and the appeal stand dismissed as devoid of any merit.

Sd/-
(P.R. Ramachandra Menon)

Chief Justice

Sd/-
(Parth Prateem Sahu)

Judge