

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 08.03.2019****CWP No.6185 of 2015**

Surja Ram & others

...Petitioners

Vs.

Authority under the Minimum Wages Act, 1948 -cum- Assistant Labour
Commissioner, Sirsa & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Ramandeep Singh, Advocate, for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

Mr. Tarun Sharma, Advocate, for
Mr. P.S.Jammu, Advocate, for respondent No.2.**RAJIV NARAIN RAINA, J. (ORAL)**

It is well settled that unpaid minimum wages can be recovered either from the Authority under the Minimum Wages Act, 1948 or in proceedings under Section 33-C(2) of the Industrial Disputes Act, 1947 where there is no limitation –prescribed provided that in the latter remedy it can be shown that the right asserted was pre-existing and easily executable. Relief could be also claimed before the Authority under the Payment of Wages Act, 1936. The doctrine of election of forum applies.

The petitioners are stated to be labourers working in the agricultural fields of respondent No.2. They filed an application under Section 21(1) of the Minimum Wages Act, 1948 for recovery of wages. The

application was filed beyond six months of the period claimed and cause of action and for this reason, it has been dismissed by the Authority as time barred.

Thus, without expressing any opinion on the merits of the case and keeping in view the fact that the dispute has not been determined on merits by the respondent authority, the petitioners are set at liberty to approach the appropriate forum, as advised, for the same relief and in case, they approach for legal redress, the impugned order will not stand in their way. The period spent litigating before the Authority under the Minimum Wages Act and this Court will be kept in mind by the forum in view of Section 14 of the Limitation Act, 1963.

With these observations and liberty, the petition stands disposed of.

08.03.2019
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>