

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.20588, 21033, 21035 & 21137 of 2003

COMMON ORDER:

All these writ petitions are being disposed of by way of this common order, as the issue raised in these writ petitions is one and the same. For the purpose of convenience, the facts as narrated in W.P.No.20588 of 2003 are discussed hereunder.

2. The writ petition is filed seeking a Writ of Certiorari calling for the records related to and connected with the orders passed by the 1st respondent in P.W.Case No.16 of 2002, dated 25.02.2003 and quash or set aside the same holding it as arbitrary, illegal and contrary to law.

3. Heard both sides.

4. It has been contended by the Standing Counsel appearing for petitioner-Corporation that the respondent-workmen were employed through a Contractor and there is no master and servant relationship between the petitioner-Corporation and the respondent-workmen. The workmen have approached the 1st respondent-Authority under Payment of Wages Act that they are not being paid minimum wages and the said Authority, though there is no jurisdiction, had allowed the claim made by the workmen in P.W. Case No.16 of 2002, dated 25.02.2003. The Standing Counsel has contended that all the workmen were drawing minimum wages of Rs.1,950/- per month, and at that relevant point of time, the 1st respondent had jurisdiction to entertain the cases in respect of such of those employees whose wages are less than Rs.1,600/-

per month. Since the workmen are claiming wages more than Rs.1,600/- per month, the 1st respondent lacks jurisdiction to entertain their cases, but the 1st respondent, without appreciating any of the contentions raised by the petitioner-Corporation, has mechanically allowed the cases filed by the workmen. Therefore, the impugned orders passed by the 1st respondent are liable to be set aside.

5. The Government Pleader for Labour and the counsel appearing for respondent-workmen have contended that the workmen were claiming minimum wages under Section 22-F of the Minimum Wages Act, 1948. For enforcement of the rights of respondent-workmen for getting minimum wages, they have every power to approach the 1st respondent, and the 1st respondent has considered the maintainability of their cases and passed elaborate order in favour of the workmen. Therefore, there are no merits in the writ petitions and the same are liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the 1st respondent has rightly passed orders in favour of the workmen under Section 22-F of Minimum Wages Act, 1948, which empowers the 1st respondent to entertain the cases in respect of complaints of not granting minimum wages. Therefore, the 1st respondent has rightly considered the cases of respondent-workmen and allowed their claims. Therefore, there are no merits in these writ petitions, which are liable to be dismissed.

7. Accordingly, all the writ petitions are dismissed, confirming the orders passed by the 1st respondent in favour of the workmen. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

9th January, 2020

ajr

