

IN THE HIGH COURT OF ORISSA AT CUTTACK
CONTC NO.68 OF 2018

Sharad Kumar Gupta **Petitioner**

Mr. Biplaba P.B.Bahali, Advocate.

-versus-

Prasanna Kumar Sahu, **Opp.parties**
Executive Engineer, Rural
Works Division, Sambalpur and
others

Mr. A.K. Nanda, Addl. Govt. Advocate

CORAM:
JUSTICE JASWANT SINGH
JUSTICE M.S.SAHOO

Order No.

ORDER
09.02.2022

02. 1. This matter is taken up through hybrid mode.
2. The petitioner in the contempt petition alleges non-compliance of the order dated 28.02.2017 passed in W.P.(C) No.2783 of 2017, wherein, the petitioner, who is a Super Class Contractor prayed for a direction to reimburse and pay the differential amount claimed by the petitioner, said to have been paid towards minimum wages of labour, from 13.07.2011 till 02.03.2013 along with price escalation bill.
3. By order dated 28.02.2017, this Court disposed of the writ petition with the following directions:

“ Considering the submissions made and without expressing any opinion on the merits of the case, this writ petition is disposed of directing the Executive Engineer, Rural Works Division, Sambalpur (opposite party no.3), to take effective steps to consider and dispose of the representation of the petitioner dated 24.01.2017, as per Annexure-5 series to the writ petition, if the same is still pending, as expeditiously as possible, preferably within a period of two months from the of receipt of certified copy of

this order, keeping in view the judgment of this Court passed in W.P.(C) No.29272 of 2011.

Writ petition is accordingly disposed of.”

4. It is revealed from the present petition filed by the petitioner that for compliance of the aforesaid order, by letter no.1109 dated 20.03.2017 (Annexure-2 series) the opposite party-Engineer requested the petitioner to furnish the documents as per the modalities framed by the Government, to consider the payment of enhanced wages. The documents that was to be produced by the petitioner as indicated in the said letter are as follows:

- “i) Labour Registration Certificate.
- ii) Wages Register in support of minimum wages for verification and record.
- iii) Other relevant records/Registers/ document.”

5. It is submitted by the learned counsel for the petitioner that the petitioner by letter dated 29.03.2017(Annexure-3) has replied to the letter of the opposite party no.1-Executive Engineer, Rural Works Division, Sambalpur, inter alia stating that the Labour Registration Certificate is not required to be produced now and the Registers as requested to be produced have not been preserved or are not required to be preserved after four years, as the date of completion of work is 02.03.2013.

6. From the aforesaid letter of the petitioner, it is apparent that though he has filed the writ petition on 14.02.2017, he opted not to preserve the records

based on which the claim in the writ petition, i.e., W.P.(C) No.2783 of 2017 was to be substantiated.

7. In view of the aforesaid facts, it cannot be held that there is any violation of this Court's order dated 28.02.2017 as alleged by the petitioner. Moreover, the requirement of the Labour Registration Certificate, Wages Register in support of payment of minimum wages and any other relevant records/Registers/documents as requested by the opposite party-authority is relevant and germane consideration before reimbursing the claim of the petitioner regarding payment of the wages which should have been received by the labourers/workers, who worked under the contractor.

8. In view of the aforesaid discussions, the present petition is dropped, there being no violation of the order dated 28.02.2017 passed in W.P.(C) No.2783 of 2017.

(Jaswant Singh)
Judge

(M.S. Sahoo)
Judge

February 9th 2022
Cuttack

Gs/Radha