

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.1580 of 2012

Rajarshi Naha

.... Petitioner

Mr. A. P. Bose, Advocate

-versus-

***Labour Enforcement Officer (Central),
Keonjhar and another***

.... Opposite Parties

None

CORAM:

THE CHIEF JUSTICE

DR. JUSTICE S. K. PANIGRAHI

ORDER

25.07.2022

Order No.

05.

1. The challenge in the present petition is to an order dated 22nd December, 2011 passed by the Authority under the Minimum Wages Act, 1948 (MW Act) requiring the present Petitioner to pay to the Workmen a sum of Rs.4,22,626/-, which include the balance payment as well as compensation payable under Section 20(3) of the MW Act.

2. While directing notice to issue in the present petition on 27th August 2022, this Court stayed the operation of the impugned order.

3. This Court has heard the submissions of Mr. A.P. Bose, learned counsel appearing for the Petitioner. None is present for Opposite Parties.

4. Mr. Bose refers to para 10 of the impugned order, which notes that 15 of the 54 Workmen to whom the present Petitioner claimed

to have paid the minimum wages, confirmed that they had received excess amount.

5. On this basis, it is sought to be contended by Mr. Bose that there was no occasion for the Authority to impose any penalty much less direct the Petitioner to make payment of the aforementioned sum to the Opposite Parties. He further submits that the wage registers showing payment having been made had already been produced before the Authority and should have been acted upon by it.

6. The Court finds that before the Authority, the present Petitioner could produce only 15 of the Workmen to whom it claimed to have made payment in terms of the MW Act. In other words, in respect of the remaining 39 persons, there was nothing to show that the differential amount had in fact been paid. This onus was on the Petitioner to prove that fact, which the Petitioner was unable to discharge.

7. Consequently, the Court is not persuaded that the Authority has committed any error in passing the impugned order.

8. The interim order passed earlier stands vacated.

9. The writ petition is dismissed, but in the circumstances, with no order as to costs.

(Dr. S. Muralidhar)
Chief Justice

(Dr. S. K. Panigrahi)
Judge