

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No. 33284 of 2021

Amit Choudhury

.... ***Petitioner(s)***

Mr.S.C.Acharya,
Advocate

-versus-

State of Odisha & Ors.

.... ***Opposite Party(s)***

Mr.S.Ghose, AGA

**CORAM:
JUSTICE BISWANATH RATH**

**ORDER
23.06.2022**

Order No.

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1. Heard learned counsel appearing for the parties.
2. This writ petition involves the following prayer:

“It is therefore, prayed that this Hon’ble Court would graciously be pleased to admit the application, issue rule NISI calling upon the opp. parties to show cause; and after hearing the counsels of the parties may graciously be pleased allow the same thereby issuing a writ more particularly in the nature of certiorari in setting aside the letter as at Annexure-6 and a writ in the nature of MANDAMUS thereby directing the opposite parties to reimburse/pay the enhanced rate of wages of labour competent which the petitioner paid in respect of the work i.e. Improvement to Road & CD work (including maintenance) under PMGSY package No.OR-10-142 (IAP-1), for the interest of justice and equity’

And may further be pleased to pass such other/further writ(s). direction(s)/order(s) as deem just and proper;

And for this act of kindness the petitioners shall as in duty bound ever pray.”

3. Learned counsel appearing for the petitioner taking this Court to the plea and the documents appended, submitted that even though the work under the work order vide Annexure-1 commenced in 2013 but for

some reason or other, the work could only be compelled on 02.02,2016. There is no dispute to such submission by the learned State counsel.

4. For the relief involved in the writ petition involving release of additional wages by virtue of Government Notification under the provision of Minimum Wages Act brought in the continuance of the work period entitling the contractors to higher wages to be paid to their workers involved therein already settled. This Court finds petitioner has a case satisfying to be entitled to additional wages to be paid in favour of the workers involved therein on reimbursement of the same from the State Authority involved here.

5. In the circumstance, this Court while declaring the claim of the petitioner to apply to the circular dated 30.10.2018 at page- 29 of the brief, issued undisputedly beyond the completion of work as valid, directs for application of minimum wage under Circular, 30th April, 2015 to the case of the petitioner. The additional wages involving the workers of the petitioner involving the contract involved herein shall be calculated taking into account the effect of the notification dated 30th April 2015. The entire working may be completed within a period of six weeks from the date of communication of certified copy of this order and the entitlement, if any, by virtue of the direction be also released in favour of the petitioner within a period of two weeks thereafter. Failure of release of aforesaid benefit within the time given, the petitioner will be entitled to amount along with interest @10% all through. .

The writ petition stands disposed of with the observation and direction made hereinabove.

(Biswanath Rath)
Judge