

Diksha Rane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9658 OF 2018

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Gram Panchayat Ujangaon
through Sarpanch & anr.

..Petitioners

vs.

Shantaram Vithu Pawar

..Respondent

Mr. Kuldeep Nikam for the petitioners.
None for the respondent.

CORAM : M. S. KARNIK, J.

DATE : SEPTEMBER 27, 2022.

P.C. :

1. Heard learned counsel for the petitioners.
2. On 31/8/2018, this Court passed the following order: -

"P.C.

1. Heard.
2. Leave to add/amend the cause title of the petition is granted. Amendment to be carried out forthwith.
3. Issue notice to the sole Respondent, returnable on 21.9.2018.
4. The learned counsel for the Petitioner has demonstrated before this Court that the Labour Court at Ratnagiri has no jurisdiction to determine and decide the application filed under Minimum Wages Act as by a Notification dated 11th November, 2011, the powers conferred by sub-section 1 of Section 20 of the Minimum Wages Act, 1948 are entrusted with the

Assistant Commissioner of Labour Court, Ratnagiri. Unfortunately, this aspect was not demonstrated before the Learned Labour Court at Ratnagiri. The Respondent would be entitled to file a fresh application before the Assistant Commissioner of Labour Court at Ratnagiri since the impugned order is passed without jurisdiction.

5. It is made clear that the petition will be heard finally and decided at the stage of admission."

3. It is thus seen that this Court had clearly indicated that upon issuance of the notice, the writ petition will be finally heard and decided at the stage of admission.

4. Learned counsel for the petitioner- Gram Panchayat submitted that the respondent-workmen had filed an application under Section 20 of the Minimum Wages Act, 1948 (hereafter 'the said Act' for short) for the difference of wages. The application was opposed by the petitioner-Gram Panchayat.

5. By the impugned order dated 21/8/2017, the application was partly allowed and the Gram Panchayat was directed to pay Rs.66,813/- to the workmen towards due amount of minimum wages and special allowance. An order was also passed directing the Gram Panchayat to pay Rs.66813/- as compensation to the workmen.

6. In the challenge to the impugned order passed by the Labour Court, Ratnagiri, one of the grounds raised in the writ petition filed by the Gram Pranchayat is that as per the Notification dated 11/1/2011 issued by the State of

Maharashtra in exercise of the powers conferred under sub-section 1 of Section 20 of the said Act, the application preferred by the workmen would not be maintainable before the Labour court but the workmen concerned will have to approach learned Assistant Commissioner of Labour Court, Ratnagiri.

7. Learned counsel for the petitioner-Gram Panchayat submitted that in view of the Notification dated 11/11/2011, the Labour Court ceased to have jurisdiction to entertain the application.

8. I have gone through the Notification dated 11/11/2011 which was tendered by learned counsel for the petitioner. There appears to be substance in the contention of learned counsel for the petitioner that in view of the Notification, it is now that the appropriate Government has appointed the Assistant Commissioner of Labour Court, Ratnagiri to entertain the application under Section 20 of the said Act. The original application before the Labour Court was made on 14/12/2015. Learned counsel for the petitioner in all fairness submits that however, the issue of jurisdiction of the Labour Court was not raised before the Labour Court and for the first time in the writ petition, the point is raised.

9. In this view of the matter, it would be appropriate for the Labour Court to consider the issue of its jurisdiction in the light of the Notification dated 11/11/2011 to entertain

the application.

10. The impugned order therefore deserves to be set aside and is accordingly set aside.

11. The matter is remitted to the Labour Court to decide afresh and also to consider the objection of the Gram Panchayat that the application is not maintainable.

12. Parties to appear before the Labour Court, Ratnagiri, on 18/10/2022 along with the copy of this order.

13. The Labour Court is requested to decide the application expeditiously.

14. All contentions are kept open. Labour Court not to be influenced by my observations.

15. The writ petition is disposed of.

(M.S.KARNIK, J.)