

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4305 OF 2016

Sonyal Grampanchayat, Sonyal

... Petitioner

Versus

Shri.Kallappa Basavant Teli

...Respondent

Mr.Balwant V. Salunkhe, for the Petitioner.

None for the Respondent

CORAM: G. S. KULKARNI, J.DATED: JANUARY 07, 2023

P.C.

1. Heard learned Counsel for the petitioner. The order impugned in the petitioner is an order dated 23 February 2012 passed by the Controlling Officer under Minimum Wages Act and Labour Court, whereby the application as filed by the respondent for difference of amount for minimum wages under Section 20(2) of the Minimum Wages Act, 1948, was allowed, directing the petitioner – Grampanchayat to pay the differential amount to the respondent of Rs.49,910/- within one month from the date of the said order alongwith 12% interest.

2. This petition was filed on 3 February 2016. The record of the orders passed on the petition indicates that there was no stay to the impugned order. In the meantime, being aggrieved by non payment of the amount as directed by the Controlling Officer and the Labour Court, the respondent moved an execution application which has culminated into a recovery certificate being issued by the Office of the Assistant Commissioner on 6 August 2014 directing the petitioner to make

payment of Rs.54,840/- towards satisfaction of the dues payable to the respondent.

3. The only contention as urged on behalf of the petitioner is that it is likely that the claim as made by the respondent was in relation to the period post his termination. In support of his contention, the petitioner has annexed minutes of monthly meeting and the resolution showing that the respondent was terminated on 11 April 2010 from the employment of the petitioner. However, from perusal of the impugned order, it appears that the contention as urged on behalf of the petitioner is not correct inasmuch as the application as made by the respondent under Section 20(2) of the Minimum Wages Act as moved by the respondents before the Labour Court was on 8 January 2010. Paragraph 5 of the impugned order clearly indicates that what was claimed in the proceedings before the Labour Court was the payment of differential amount namely the difference between the amount which was actually received and the amount which would be required to be actually paid by applying the pay scale, charges, under the Minimum Wages Act.

4. The Labour Court has taken into consideration various notifications as also the fact that all the Grampanchayats have implemented the Minimum Wages Act and disbursed payments to the employees accordingly. However, for the reasons best known to the petitioner, the respondent was not paid / given the differential amount. This apart, the petitioner has even failed to annexed the complaint as filed by the respondent before making an argument that the complaint of the respondent pertained to a period post termination of the respondent. Even otherwise, the petitioner despite receipt of the notice, had failed to appear before the Labour Court as also failed to file its say

as observed in paragraph 7 of the impugned order.

5. In the aforesaid circumstances, I do not find any merit in the petition. The petition is accordingly rejected.

6. The petitioner is directed to make payment of the amounts being payable, as directed in the impugned order, if already not paid, within a period of four weeks from the date a copy of this order is available on the website of the High Court, and place on record this petition, the compliance of the order.

7. In the event there is any breach of such directions to make payment to the respondent, the Court shall proceed to take appropriate action as may be permissible in law.

8. Disposed of in the above terms. No costs.

9. A copy of this order be forwarded to the respondent by all permissible modes and also through Bailiff of the local Court.

(G. S. KULKARNI, J)