

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 1257 OF 2018

1. Vidarbha Irrigation Development Corporation through its Executive Engineer, Gosekhurd Dam Division, Wahi, Tq. Pawni, District Bhadara
2. Executive Engineering, Gosekhurd Dam Division, Wahi, Tq. Pawni, District Bhandara

...Petitioners

// VERSUS //

1. Assistant Commissioner of Labour and Authority under the Minimum Wages Act, 1948, Bhandara, Tq. & Vrundawan, Takia Ward, Dist. Bhandara
2. Snehal Sushishit Berojgar Seva Sahakari Sanstha Maryadit (Regd. No. 606/2005), Tumsar through its Manager, r/o Makde Nagar, Behind S.C.Bose Govt. Hospital, Tumsar, Tq. Tumsar, Dist. Bhandara
3. Chandrashekhar Gangadhar Pasewar, Aged about 31 yrs. Occ. Not known R/o Ghatumri, Tq. Bhivapur, Dist. Nagpur.
4. Sanjay Ghighuji Wanve, Aged about 38 yrs. Occ. Not known, R/o Ghatumri, Tq. Bhivapur, Dist. Nagpur
5. Gajanan Shriram Meshram, Aged about 38 yrs. Occ. Not known R/o Ghatumri, Tq. Bhivapur, Dist. Nagpur
6. Sanjay Devaji Meshram, Aged about 35 yrs. Occ. Not known R/o Ghatumri, Tq. Bhivapur, Dist. Nagpur
7. Dinesh Shivaji Ambadare,

- Aged about 32 yrs. Occ. Not known
R/o Ghatumri, Tq. Bhivapur, Dist. Nagpur
8. Satyanarayan Bapusa Tagde,
Aged about 63 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 9. Shashikumar Satyanarayan Tagde,
Aged about 38 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 10. Kartik Sevakram Barai,
Aged about 33 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 11. Nashik Kashinath Bhure,
Aged about 28 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 12. Vilas Tulshiram Boarkar,
Aged about 35 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 13. Sudhakar Shriram Hattwar,
Aged about 33 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 14. Kailas Yadorao Hattwar,
Aged about 33 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 15. Atul Devanand Rodge,
Aged about 31 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 16. Gopal Ramchandra Marbatte,
Aged about 35 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 17. Vilas Lalaji Deshmukh,
Aged about 37 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 18. Dhanraj Shyamraoji Bawane,
Aged about 46 yrs. Occ. Not known

- R/o Pathri, Tq. Pawni, Dist. Bhandara
19. Yogendra Devram Sontakke,
Aged about 41 yrs. Occ. Not known
R/o Pathri, Tq. Pawni, Dist. Bhandara
 20. Ganpat Champat Bhalavi,
Aged about 40 yrs. Occ. Not known
R/o Bamni, Tq. Pawni, Dist. Bhandara
 21. Devendra Kalyanrao Zanzade,
Aged about 48 yrs. Occ. Not known
R/o Gosekhurd, Tq. Pawni, Dist. Bhandara
 22. Pandurang Virsiram Channe,
Aged about 50 yrs. Occ. Not known
R/o Gosekhurd, Tq. Pawni, Dist. Bhandara
 23. Kavdu Natthu Meshram,
Aged about 38 yrs. Occ. Not known
R/o Gosekhurd, Tq. Pawni, Dist. Bhandara
 24. Nashik Vasanta Bhurde,
Aged about 38 yrs. Occ. Not known
R/o Gosekhurd, Tq. Pawni, Dist. Bhandara
 25. Ashok Vithobaji Uike,
Aged about 56 yrs. Occ. Not known
R/o Gosekhurd, Tq. Pawni, Dist. Bhandara
 26. Janardhan Ramraoji Bawane,
Aged about 48 yrs. Occ. Not known
R/o Pawni, Tq. Pawni, Dist. Bhandara
- ... Respondents

Shri Jemini Brijmohan Kasat, Advocate for the petitioner.
 Ms. H.N.Jaipurkar, Advocate for the respondent no. 1/State.
 Saumitra Paliwar, Advocate for the respondent no.2
 Shri R.S.Bhure, Advocate for the respondent no.3.

CORAM : ANIL S. KILOR, J.

DATED : 16th JUNE, 2023.

ORAL JUDGMENT :

Heard. Rule. Rule made returnable forthwith. Heard finally by consent of the parties.

2. This petition arises out of the order dated 15th June, 2017 passed by the respondent no.1 Assistant Commissioner of Labour, Bhandara and Authority under Minimum Wages Act, 1948 in ALC/Bhandara/MVA/Sec.20(2)/2/2014 directing the petitioners to pay the difference of minimum wages alongwith amount of compensation to the respondent nos. 3 to 26.

3. In the present matter, admittedly, the respondent nos. 3 to 26 were employed by the respondent no.2 and there was an agreement between the petitioner and the respondent no.2 about providing security guards at the projects of the petitioners. The respondent nos. 3 to 26 approached to the respondent no.1 under Section 20(2) of the Minimum Wages Act, 1948 (hereinafter referred as "Act, 1948") for payment of difference of minimum wages. This application was submitted on 28th April, 2014 whereas in the application the claim was for the period from 1st July, 2013 to 31st December 2013 and 1st January, 2014 to 30th June, 2014. The petitioner no.2 in its reply raises the ground of limitation as proviso to Sub Section 2 and Section 20 provides limitation of six months to claim any due payable under Minimum Wages Act.

4. It appears from the record and more particularly from the impugned order that respondent no.1 has only recorded the submissions of petitioners made at the time of hearing as regards the point of

limitation. However, undisputably the said point has not been considered though involved in the present matter and the impugned order was passed directing the petitioners to pay difference of minimum wages along with amount of compensation to the respondent nos. 3 to 26.

5. Learned AGP appearing for the respondent no.1 is not disputing the above referred position.

6. As the point of limitation goes to the root of the matter and since it was raised in the reply as well as at the time of hearing of the application, the respondent no.1 ought to have decided the matter on merit. However, the respondent no.1 has failed to answer the point as regards the limitation. Accordingly, I am of the opinion that this matter needs to be remanded back to the respondent no.1 to decide the claim of the respondent nos. 3 to 26 afresh after taking into consideration the point of limitation raised by the petitioner. Accordingly, I pass the following order.

- i. Writ petition is partly allowed.
- ii. Order dated 15th June, 2017 passed by the Assistant Commissioner of Labour, Bhandara - respondent no.1 is hereby quashed and set aside.
- iii. The matter is remanded back to decide the matter afresh after hearing both the parties and considering the point of limitation as raised by the petitioner.

- iv. Needless to mention that all the points are kept open.

[ANIL S. KILOR, J.]