

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(219)

CWP-4536-2019

Date of Decision : August 28, 2023

Satyanarian and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sachin Gupta, Advocate, for the petitioners.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the order passed by the Deputy Commissioner, Mahendergarh, a copy of which has been appended with this petition as Annexure P-4 by which, the maximum wages has been fixed for various category of workers.

2. Learned counsel for the petitioners argues that as per the maximum wages fixed, for the first hour, an employee is being paid 115/- and whereas for successive hours, he is not being paid in the same ratio, which act on the part of the respondent is causing prejudice to the petitioners. Learned counsel for the petitioners submits that in case an employee worked for three hours, he can only get Rs.300/- whereas an employee working for one hour, gets Rs.115/- therefore, the employee should be getting minimum pay as fixed per hour to be multiplied by number of hours for which an employee has discharged the duties.

3. Learned State counsel submits that the Deputy Commissioner has fixed the minimum wages keeping in view the provisions of the Minimum Wages Act. The same has been kept commensurate to the maximum wages which an employee should get in a particular day and in a particular month and in case the prayer of the petitioners is that wages of Rs.115/- per hour should be multiplied by the number of hours for which an employee works in a particular day, same will exceed the maximum wages fixed by the Government.

4. Argument raised by the learned counsel for the petitioners cannot be accepted as Deputy Commissioner has full jurisdiction to fix the minimum/maximum wages under the Minimum Wages Act. The criteria had already been laid down for fixing the said minimum wages. The wages if given to the employees at the rate of Rs.115/- multiplied by total number of hours worked, will exceed the maximum salary fixed for a day as well as for a month, which is not correct.

5. Further, the fixation of the salary is not within the jurisdiction of the High Court as the same lies with the employer. Nothing has been shown as to why, the fixation of the salary is arbitrary especially when while fixing the salary, the rate has been enhanced from Rs.104/- per hour to Rs.115/- per hour. That being so, the grievance being raised by the petitioners is not at all right and further, the said grievance, is beyond the jurisdiction of this Court so as to enhance the salary.

6. Learned counsel for the petitioner submits that the salary of the petitioners has been decreased keeping in view the salary which the petitioners were getting in the previous years.

7. Merely that the salary of the petitioners has decreased, does not mean that the fixation of the minimum/maximum wages by the Government

is incorrect. Petitioners are only entitled to the salary as per the minimum wages fixed, hence, the grievance that their salary has been reduced, keeping in view the minimum wages fixed, is no ground to set aside the impugned order especially when nothing is pointed out that fixation of wages is in violation of any law.

8. The present writ petition is dismissed in above terms.

August 28, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No