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

CWP-10884-2012

Date of decision : 07.02.2023

Pappu Ram

...Petitioner

Vs.

**Authority under the Minimum
Wages Act, Circle Sirsa and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.K.Ganga, Advocate for the petitioner.

None for respondent Nos.2 and 3.

MANOJ BAJAJ, J.

Petitioner-Pappu Ram has preferred this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari to challenge the impugned order dated 25.04.2012 (Annexure P-2) passed by the statutory authority under the Minimum Wages Act-respondent No.1, whereby claim raised by respondents against payment of less wages was accepted.

The facts in brief leading to the petition are that Bansi Lal and Niku Ram (respondent Nos.2 and 3, respectively) brought the claim petition against Pappu Ram under the Minimum Wages Act, 1948 on the ground that they were engaged by the employer for preparing bricks and driving tractors. As per the averments, they were to be paid Rs.56/- per thousand bricks and labourer-Bansi Lal also used to drive the tractor in addition to his work, who was promised a monthly salary of Rs.2,500/-. They worked to manufacture 11,50,000 bricks and Bansi Lal did the driving work also for seven months. As per the agreed rate, their wages comes out to Rs.64,400/-, which is equivalent

to the government rates, whereas towards wages of seven months for driving the tractor, a sum of Rs.17,500/- was to be paid, thus, The total amount payable was Rs.81,900/-, whereas the claimants were paid only Rs.41,000/- and balance amount of Rs.40,900/- is outstanding, which despite demand has not been paid. They made a complaint to the Labour Officer, Sirsa, however, the matter was not settled. On these broad averments, it was prayed that there is a relationship of employee and employer, therefore, the outstanding amount of Rs.40,900/- be paid.

The claim was contested by respondent-Pappu Ram by filing his written statement describing the claim of the labourers as false. According to the reply, the applicants neither have driving licence nor they know how to drive the tractor and even relationship of employee and employer was also denied. The respondent has specifically denied his concern with Shanti Brick Kiln as well as the ownership of the tractors as claimed by the applicants. Further, while denying the other averments in the claim, it was prayed that the claim be dismissed.

Thereafter, the competent authority framed four issues and after considering the evidence adduced by the parties, accepted the claim of respondent No.2-Bansi Lal and declined the claim of Niku Ram as he failed to prove his claim vide impugned decision dated 25.04.2012. Being dissatisfied with the impugned order, petitioner-Pappu Ram preferred this writ petition.

Learned counsel for the petitioner has argued that the competent authority has only drawn the inference regarding relationship of employee and employer between the parties and no material evidence in this regard was produced by the applicants-respondent Nos.2 and 3. He submits that Bansi Lal

(PW-1) during his cross-examination admitted that he does not possess any driving license, who also stated that Shanti Brick Kiln is owned by Gaurav Jindal. Similarly, another witness, namely, Godhu Ram (PW-2) also failed to reveal the name of the owner of Shanti Brick Kiln, who admitted that he knows Pappu Ram. According to the learned counsel, findings delivered by the competent authority under the Minimum Wages Act, 1942-Sirsa are not sustainable, therefore, the impugned decision be set aside.

Upon hearing learned counsel and considering his submissions, this Court finds that the petitioner in his written statement took a specific stand that he has no concern with applicants/respondent Nos.2 and 3 and that he has never employed them. He does not even own any tractor and disputed the claim of the respondent Nos.2 and 3 being false and baseless. In support of his claim, he tendered his affidavit (RW-1/A) and stated that he was member Panchayat of Village Bhavdin and knows the labourer-Bansi Lal and Niku Ram. He categorically denied the suggestion that he worked as labourer with the Shanti Brick Kiln and Gill Brick Kiln. Further, a perusal of the evidence of Bansi Lal shows that he categorically stated that Shanti Brick Kiln, where he along with his brother-Niku Ram was engaged, is owned by Gaurav Jindal. Further, a close analysis of the impugned decision shows that the authority has firstly drew the inference that the petitioner-Pappu Ram worked with Shanti Brick Kiln, Gill Brick Kiln and other brick kilns, who engaged labourers and he failed to explain, if the applicants have no concern with him, and on this basis, the authority observed that the evidence adduced by the labourers has gone unimpeached, but this finding is not sustainable in view of the material admissions made by Bansi Lal. The authority has only accepted the claim qua

Bansi Lal, who had appeared in the witness box and had declined the claim of Niku Ram as he failed to prove his claim by examining himself.

Thus, the findings returned by the authority are not founded upon proper appreciation of evidence on record, therefore, the impugned decision is not sustainable.

Resultantly, in view of the above discussion, the petition is allowed and the impugned order dated 25.04.2012 (Annexure P-2) is set aside, and the claim raised by Bansi Lal-respondent No.2 is hereby dismissed.

(MANOJ BAJAJ)
JUDGE

07.02.2023
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No