

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

CWP-8604-2010

Date of decision : 07.02.2023

Indraj Singh and others

...Petitioners

Vs.

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

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. B.S.Mittal, Advocate for the petitioners.
Mr. P.K.Ganga, Advocate for respondent No.2.

MANOJ BAJAJ, J.

Petitioners have 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 09.04.2009 (Annexure P-3) passed by the statutory authority under the Minimum Wages Act-respondent No.1, whereby claim raised by petitioners against payment of less wages was dismissed.

The facts in brief leading to the petition are that petitioners brought the claim petition against respondent No.2 under the Minimum Wages Act, 1948 on the ground that they were engaged by the employer as agricultural labourers for the period from 01.05.2005 to 30.04.2006. The employer had agreed to pay 1/4th share of total crops at the minimum wages fixed by the Government for the period of employment. As per the averments, applicants-petitioners were not paid the balance amount for the period from 01.05.2005 to 30.04.2006 which amounts to Rs.89,600/-, despite various demands. 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

relationship of employee and employer, therefore, the outstanding amount of Rs.49,600/- be paid.

The claim was contested by respondent by filing his written statement, who admitted the employment of the petitioners. As per averments in the reply, employer stated that he has already paid the excess amount to the labourers, therefore, their claim is not maintainable. Further, while denying the other averments in the claim, it was prayed that the claim be dismissed.

Thereafter, the competent authority framed three issues and after considering the evidence adduced by the parties, dismissed the claim of petitioners vide impugned decision dated 09.04.2009. Being dissatisfied with the impugned order, petitioners preferred the present writ petition.

Learned counsel for the petitioners has argued that the competent authority under the Minimum Wages Act, 1947 has failed to appreciate the background of the case while holding that the claim raised by the petitioners is not maintainable. He has invited the attention of the Court to the impugned decision to contend that the authority observed that since the material pleadings are not disputed and the claim does not relate to the minimum wages, therefore, the claim application stands dismissed. He submits that the employer has not adduced any evidence to show that the wages agreed were paid by him, therefore, findings delivered by the competent authority-Sirsa are not sustainable. He prays that the impugned decision be set aside.

On the other hand, learned counsel appearing on behalf of the respondents/employer has argued that the order passed by the authority is based on proper appreciation of material on record. He submits that as the dispute does not relate to minimum wages, the claim has been rightly declined.

After hearing the learned counsel for the parties and considering the above background, this Court finds that the minimum wages were agreed between the parties, and partial payment to labourers would amount to making less payment than the agreed wages. During the course of hearing, learned counsel appearing on behalf of the respondent/employer is unable to refute the stand of the labourers and in the written statement it is specifically admitted that out of Rs.89,600/-, only Rs.40,000/- was paid. This admission on employer's part establishes the relationship of employee and employer between the parties, and further in the absence of any evidence by the employer that the entire wages were paid to the petitioners, the statutory authority committed serious error of law in not deciding the grievance of the petitioners on merits.

Resultantly, in view of the above discussion, the petition is allowed and the impugned order dated 09.04.2009 (Annexure P-3) is set aside and the claim of the petitioners is accepted. Respondent No.2 is directed to pay the remaining wages to the petitioners. No costs.

(MANOJ BAJAJ)
JUDGE

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