

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

CWP-26817-2014

Date of decision : 07.02.2023

Raj Kumar Grover and another

...Petitioners

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.

Mr. Dheeraj Narula, 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 for quashing the impugned order dated 30.10.2014 (Annexure P-1) passed by the statutory authority under the Minimum Wages Act-respondent No.1, whereby claim raised by respondent Nos.2 and 3 against payment of less wages was accepted.

The facts in brief leading to the petition are that respondent Nos.2 and 3 brought the claim petition against petitioners under the Minimum Wages Act, 1948 on the ground that they were engaged by the employer as agricultural labourers for the period from 01.05.2011 to 07.12.2011 for work on his 11½ acre of agricultural land. The employer had agreed to pay 1/5th share of total crops at the minimum wages fixed by the Government for the period of employment. As per the averments, respondent Nos.2 and 3 were paid the less wages and according to their estimate an amount of Rs.37,541/-

each was due to be paid, but the respondent made payment of Rs.22035/- to each labourer. As per their claim, only a sum of Rs.22,035/- was paid to each worker, whereas a sum of Rs.31,012/- was due towards the employer. On these broad averments, it was prayed that there is relationship of employee and employer.

The claim was contested by petitioners by filing the written statement and as per the reply, only Jhandu Ram was employed in their fields whereas Munni Devi has never worked with them. According to the petitioners, entire amount of the wages has already been paid to applicant No.1-Jhandu Ram. 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 the respondent Nos.2 and 3 vide impugned decision dated 30.10.2014. Being dissatisfied with the impugned order, petitioners preferred the present writ petition.

Learned counsel has argued that the claim of the respondent Nos.2 and 3 under the Minimum Wages Act, 1948 was not maintainable as they were engaged for agricultural purposes against the remuneration fixed @ 1/5th of the produce and were not to get any minimum wages. He submits that the relationship of employee and employer is missing in the present case, but the authority under the Minimum Wages Act has wrongly exercised jurisdiction in accepting the claim on 30.10.2014 thereby awarding a sum of Rs.31,012/- to respondent Nos. 2 and 3. He prays that the impugned order be set aside.

The claim is opposed by learned counsel for the respondents, who

submits that in view of the notification dated 26.03.2001, even if a labourer is engaged for the purposes of agriculture, the claim under the Minimum Wages Act would be maintainable and this issue has been specifically dealt with by the authority. He submits that as per the written statement of the petitioner/employer himself, he has admitted the engagement of labourer @ 1/5th produce. He submits that once facts pleaded in the claim are not disputed by the employer, he cannot re-agitate this issue before the writ Court. He submits that the impugned order has been passed by the authority upon carefully examining the evidence and does not warrant any interference.

After hearing learned counsel and considering the submission, this Court finds that the petitioners failed to produce any written document regarding the sale of cotton by applicants and above all in the cross examination, petitioners admitted that the details of various payments shows in affidavit RW-1/A are not signed by the applicant/labourer and these entries were made by the employer. Thus, upon examining the evidence, the authority came to the conclusion that the sum of Rs.31,012 is due to be paid to the applicants. The findings delivered on the material issues are based upon correct appreciation of the evidence and material on record, thus, this Court is not inclined to exercise the extra ordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

07.02.2023
vanita

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