HIGH COURT OF TRIPURA
AGARTALA

WP(C) No.103 of 2024

Sri Rupak Paul and 37 Ors.

….Petitioner(s)

Versus

The Food Corporation of India and 2 Ors.

….Respondent(s)

For the Petitioner(s)	:	Mr. A. Bhaumik, Advocate
For the Respondent(s)	:	Mr. Ratan Datta, Advocate Mr. Ankan T. Paul, Advocate

HON'BLE MR. JUSTICE ARINDAM LODH

Order

12/12/2024

Heard Mr. A. Bhaumik, learned counsel appearing for the petitioners. Also heard Mr. Ratan Datta, learned counsel appearing for the respondents no.1 and 2 and Mr. Ankan T. Paul, larned counsel appearing for the respondent no.3.

By means of filing the instant writ petition, the petitioners have prayed for the following reliefs:-

*"**I.** Issue Notice upon the Respondents.*

***II.** Call for the relevant records from the custody of the Respondents.*

***III.** Issue rule calling upon the Respondents to show cause as to why the Petitioners shall not be extended with the Minimum Wages under the Minimum Wages Act, 1948 as determined from time to time w.e.f. 20.01.2023 as per the Letter of Appointment of the Respondent No. 3 dated 18.01.2023.*

AND

Issue Rule calling upon the Respondents to show cause as to why the statutory right of the Petitioners as well the fundamental right under Article 21 and 23 of the Constitution of India to get the minimum wages under the Minimum Wages Act, 1948 shall not be enforced.

AND

Issue rule calling upon the Respondents to show cause as to why the Petitioners shall not be entitled to arrears of minimum Wages in terms of prayer above w.e.f. 20.01.2023.

IV. *And after hearing the parties, be pleased to make the rule absolute.*

AND/OR

Pass any other order/orders as deemed fit and proper by this Hon'ble Court."

After hearing the parties and having gone through the contents of the writ petition and the counter affidavit, I find that there are disputed question of facts. It is the case of the petitioners that respondent no.3 being the contractor is not paying wages in accordance with the Payment of Wages Act.

On the other hand, it is the clear case of the respondents that they are paying the wages of the labourers in accordance with the Payment of Wages Act.

This is a disputed question of facts. The writ court cannot enter into this question. Appropriate remedy of the petitioners lies elsewhere. The petitioners may approach the Industrial Tribunal or the Labour Commissioner or the Labour Court for appropriate remedy.

Having observed thus, I find no merit in the instant writ petition asking this Court to exercise its discretionary and extraordinary jurisdiction under Article 226 of the Constitution of India.

Accordingly, the present writ petition stands dismissed.

JUDGE

Rohit
SANJAY GHOSH
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