

Neutral Citation No:2024:PHHC:058226
CWP-751 of 1999 **1**
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

207 **CWP-751 of 1999**
Date of Decision: 29.04.2024

THE DIVISIONAL FOREST OFFICER, BHIWANI AND ORS
.... Petitioners

Versus

SUNIL AND ORS **....Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Satish Singla, Asst. A.G., Haryana

 Mr. Jagjeet Beniwal, Advocate
 for respondent No.2.

 Mr. Daharmveer Phour, Advocate
 for respondents No.5,11,24, 138.

 Mr. Sourabh Sheoran, Advocate
 for respondent No.21 and 27.

 Mr. Jai Shree Kaushik, Advocate
 for respondents No.14, 30 and 56.

 Mr. Manoj Chahal, Advocate for respondent No.35

 Mr. Sandeep Thakan, Advocate
 for respondents No. 136 and 137

SANJAY VASHISTH, J.(Oral)

1. Separate memo of appearance on behalf of respondents
No. 2, 14, 21, 27, 30 and 56 and power of attorneys on behalf of
respondents No.35, 136, 137, 5, 11,24, 138 have been filed in the

Court today by their respective counsel. The same are taken on record.

Registry is directed to tag the same at appropriate place with the paper-book.

2. Petitioners have filed the present writ petition, challenging the order dated 30.09.1998, passed by Authority under the Minimum Wages Act, Bhiwani, whereby respondents No. 1 to 138 were held entitled to receive an amount of Rs.78,963.72/- as their rights are covered under the Minimum Wages Act, 1948 (for short, the Act of 1948') and the petitioners have been paying the lesser salaries than entitled under the said Act.

3. While finally deciding the quantum of amount, Authority directed to pay a total Rs.4,73,782.32/- i.e. five times, as compensation, over the amount which was due to be paid to the respondents/labourers. In the application filed under Section 21(1) of the Act, 1948, respondents/labourers claimed that they are entitled for a sum of Rs.2,30,335.80/- on account of difference of minimum wages for the period 30.09.1995 to 04.05.1996, to be paid by the Divisional Forest Officer, Territorial Bhiwani.

4. Respondents pleaded before the Authority that the forest Department had not paid the wages fixed by Haryana Government Labour Department under the Act, therefore the amount paid to them is less/lower than the statutory right, which they have earned through the Act of 1948. Then Forest Department appeared before the

Authority, and took a defence that the amount has been paid to the Labourers as per the rates fixed by the higher authorities and in that regard one copy of the circular was also placed on record. Thus, also pleaded that the labourers were appointed on daily wages basis and never worked continuously during the disputed period. It was further pleaded that the workers/labourers have been paid the wages as per the rates fixed by the Forest Department.

Accordingly, the following two issues were framed by the Authority:

- (1) Whether the applicants are entitled to the claimed amount or not? If so with what details?*
- (2) Relief.*

5. While dealing with the application, Authority under the Minimum Wages Act, reached to the conclusion that the wages paid to the applicants-labourers is lower than the amount for which labourers are entitled under the Act of 1948.

6. Even, this Court finds that no special reason has been given by the Authority (petitioner herein) that how the wages, which are given under the Act and as fixed by the Haryana Government Labour Department, could not be paid to the labourers and for what special reason so called higher Authorities of the Forest Department are empowered to fix the lower wages than the Minimum Wages Act.

The relevant findings recorded by the Authority under the Act, is reproduced herebelow:

“ In view of the above discussions, it is evident on record file that the respondents did not object delay in making the claim application by the applicants. It is also evident that the respondents made the less wages continuously to the applicants and the cause of action effected continuously, hence I hereby condone delay in making the claim application. I have carefully examined the notification of the Labour Deptt. Ex W-1 to Ex W-3 and as per the Ex W-1 the Forest Deptt. Covered under the schedule employment of the Minimum Wages Act, 1948 and the respondents itself admitted on record file that the payment was not made to the applicants as per the rates fixed by Haryana Govt. Labour Deptt. under the Minimum Wages Act. I hereby fully convinced with the arguments made by the applicants representative and the respondents failed to produce any thick arguments and evidence in their defence. I hereby hold that the applicants are entitle to the wages as per the reates fixed by the Labour Deptt. Under the Act for the period, they actually as per Annexure-A. Accordingly, issue No.1 is hereby decided against the respondents and in favour of the applicants and are entitled to the amount of Rs.78963.72.

Relief:

In view of the above discussion, it is concluded that the respondents have deliberately tried to evade the course of law. There is no reason to disbelieve the contention of the applicants and to hold that the applicants are also entitle to receive the five times as compensation on the amount as become due as per Annexure -A.

I, therefore, directed the respondents to pay a total of Rs.4,73,782.32/- (Four Lac Seventy three thousand seven hundred eighty two and paise thirty two only) to the applicants as per the annexure -A jointly or severally within one month from the date of this order, failing which, the said amount will be recover alongwith interest @ 12% per annum from the

*date of this order upto the date of actual
payment with no order as to costs.*

Dated:30.9.98

Sd/-

Authority

Minimum Wages Act,

Bhiwani.”

7. On 12.05.2015, Daily Lok Adalat noticed that the workmen were to be paid a sum of Rs.4,73,782.32/- and while admitting the writ petition, the stay was declined. For the sake of convenience, said order is reproduced herebelow:

**“Daily Lok Adalat Bench No.3
507 CWP-751 of 1999
Divisional Forest Officer (T), Bhiwani and
ors vs. Sunil and ors.**

*Present: Mr. Jasbir Singh Thol, DAG, Haryana
for the State*

*Authority under the Payment of the
Wages Act has directed the petitioner herein to
pay the workman a sum of Rs.4,73,782.32/-.
The Divisional Forest officer filed this petition
challenging the order. The writ petition was
admitted but stay was declined. It obviously
means that the payment has been made long
back. State counsel seeks time to find out
whether the payment has been made or not and
also to have instructions.*

Adjourned to 20.07.2015.

May 12, 2015

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER”**

8. On the next date of hearing i.e. 20.07.2015, Mr. Jasbir Singh Thol, DAG, Haryana gave statement that the amount ordered by the Authority has already been paid and thereupon, the reasoned view

was expressed by the Daily Lok Adalat that nothing survives in the writ petition, the same is reproduced herebelow:

**“Daily Lok Adalat Bench No.3
507 CWP-751 of 1999
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ors vs. Sunil and ors.**

*Present: Mr. Jasbir Singh Thol, DAG, Haryana
for the State*

The challenge in this writ petition is to the order of the authority under the Minimum Wages Act. 137 workmen filed a petition before the authority under the Minimum Wages Act claiming wages as fixed by the authorities, which wages had not disbursed by the concerned officers as per the rates fixed. The authority on a consideration of the matter directed the department to pay a total sum of Rs.4,73,782.32/- to the workmen as detailed in the Annexure to the order. Concededly the said amount has since been paid and disbursed to the workmen concerned as no stay had been granted by this Court while admitting the writ petition on February 08, 1999.

In the facts of this case, we are prima facie of the view that this petition has been rendered infructuous as almost all the workmen to whom the amount was disbursed more than 16 years back would have either left the job, died or retired and it will be extremely difficult, if not possible, to recover the amount from such a large number of employees whose addresses may not be available with the department.

Learned State Counsel submits that he is not in a position to settle the matter. Returned to the High Court.

July 20, 2015

**(G.C. GARG)
PRESIDENT**

**(N.K. KAPOOR)
MEMBER”**

9. After going through the pleadings raised in the present writ petition and the reasons assigned in the order and also the fact as

noticed by the Daily Lok Adalat, this Court does not find any special reason to interference with the order dated 30.09.1998 passed by the Authority under the Minimum Wages Act, by invoking power under Article 226 of the Constitution of India, accordingly, the present writ petition is hereby dismissed.

April 29, 2024
rashmi

Whether speaking/reasoned
Whether reportable?

[SANJAY VASHISTH]
JUDGE
yes/no
yes/no