



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-15132-2024

Date of decision: 24.07.2024

BINDER SINGH AND ORS

...PETITIONERS

Vs.

STATE OF PUNJAB AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Imaan Singh Khara, Advocate
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 17.05.2023 (Annexure P-1) whereby authority under Minimum Wages Act, 1948 has declined claim of family members of petitioners *qua* minimum wages.

2. The petitioners claimed that they along with their family members are working at brick kiln of respondent No. 5-M/s Pawan Kumar Gupta. The respondent No. 5 was not making payment of minimum wages as prescribed under Minimum Wages Act, 1948. Thus, they filed an application before the Authority constituted under Minimum Wages Act, 1948. The said Authority has extended benefit of minimum wages to petitioners, however, said benefit has been declined to family members of petitioners.

3. Mr. Imaan Singh Khara, Advocate submits that respondent has wrongly denied benefit of minimum wages to the family members of petitioners.

There is a stark discrimination. The family members of petitioners could not be denied benefit of minimum wages.



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4. From the perusal of record and arguments of counsel for the petitioners, it comes out that Competent Authority has denied benefit of minimum wages to the family members of petitioners because they did not appear before the Authority. Neither they filed independent claim nor appeared during the course of hearing. The petitioners are claiming minimum wages of their family members who are not before this Court.
5. The family members of the petitioners for whom petitioners are claiming minimum wages neither appeared before the Competent Authority nor have approached this Court whereas petition has been filed by those persons who had already been granted minimum wages and were before the Competent Authority. This Court, does not find any jurisdictional error or manifest illegality in the impugned order warranting interference.
6. Dismissed.

24.07.2024	[JAGMOHAN BANSAL]
manoj	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No