

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.3928/2002

- 1. Senior DCM, Western Railway, Kota.
- 2. Station Superintendent, Western Railway, Hindon City, District Sawai Madhopur.

-----Petitioners

Versus

- 1. Authority under the Minimum Wages Act & Regional Labour Commissioner (Central), Ajmer.
- 2. Labour Enforcement Officer (C), Sawai Madhopur.
- 3. Bharti Lal S/o Shri Kaluwa Ram, R/o Village Alawada, Post Dhindhara, Tehsil Hindon City, District Karauli.
- 4. Gilari Ram s/o Shri Chiman Ram, R/o Village & Post Bajana Kala, Tehsil Hindon City, District Karauli.
- 5. Ram Singh s/o Shri Gyarsiya, R/o Village Mehend Puriyan Ka Pura, Post Bajna Kala, Tehsil Hindon, District Karauli.
- 6. Ramesh Jatav s/o Shri Ram Chanran, R/o Village Badkapura, Post Kyenda Khurd, Tehsil Hindon City, District Karauli.

-----Respondents

For Petitioner(s)	:	Mr. Dharmendra Pareek
For Respondent(s)	:	None present

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

03/07/2024

1. The instant petition has been filed against the impugned order dated 09.10.2001 passed by the authority under Minimum Wages Act, 1948 and Regional Labour Commissioner (Central), Ajmer by which the claim application filed by the Labour Enforcement Officer for 9 workers for grant of minimum wages under Section 20(2) of the Minimum Wages Act, 1948 (hereinafter referred to as "the Act of 1948") has been allowed and the petitioner has been directed to pay minimum wages to 9 workers,



employed with the petitioner, for loading or unloading at the establishment located at Hindon City with effect from February, 1990 till April, 1991.

2. Learned counsel for the petitioners submits that the aforesaid 9 labourers were neither regularly appointed by the petitioner establishment nor their services were hired on daily wages. Learned counsel submits that their services were hired occasionally as and when required for the purpose of loading and unloading at the time of arrival of the goods train vehicle. Learned counsel submits that all these aspects were over-looked by the authority at the time of passing of the impugned order, hence, under these circumstances, interference of this Court is warranted.

3. Heard and considered the submissions made at Bar and perused the material available on record.

4. Perusal of the record indicates that services of 9 labourers/workers were taken by the petitioner for the purpose of loading and unloading at the establishment located at Hindon City during the intervening period with effect from February, 1990 till April, 1991 and they were not awarded minimum wages for the said period. Hence, under these circumstances, cause of action arose in their favour. Under these circumstances, the Labour Enforcement Officer filed an application under Section 20(2) of the Act of 1948 before the authority under the Act of 1948 wherein due and proper opportunity of hearing was afforded to petitioners also and after appreciating the facts available on record a finding of fact was recorded that the workers listed in the claim application are entitled to receive the difference of wages, as



claimed and accordingly, the said application was partly allowed to the extent claim on account of difference of wages payable at minimum rates of wages, as prescribed under the Act of 1948 prevailing at the relevant time i.e. February, 1990 till April, 1991 amounting to Rs.51,123/-. It is a settled proposition of law that unless and until there is any perversity in the order impugned, passed by the authority, a finding of fact recorded by the authority cannot be re-appreciated by this Court under writ jurisdiction as this Court is not sitting as an Appellate Court to re-appreciate the evidence. Hence, under these circumstances, this Court finds no valid reason to interfere with a cogent and reasoned order passed by the authority under the Act of 1948. This Court finds no substance in this petition and accordingly, the same is hereby rejected.

5. The stay application and all pending applications, if any, also stand dismissed.

(ANOOP KUMAR DHAND),J