

18.03.2025
Ct. No. 30
S.L. No.5
SM

WPA 1969 of 2025
Chiranjit Kumar Gorai & Anr.
Vs.
The Regional Labour Commissioner & Ors.

Mr. Vivekananda Bose
Mr. Debarshi Das
Mr. Amit Pan
.....for the petitioners

Mr. Rabindranath Bag, sr. adv.
Ms. Mary Datta
Mr. Sk. Md. Wasim Akhtar
.....for the respondent no. 1 & 4

Mr. Somnath Ghosal
Mr. Dipanjan Karmakar
.....for the respondent no. 3

The present writ application has been preferred against an order dated 18th December, 2024 in Claim Application No. M.W. 15 of 2023 filed under Section 20(3) of the Minimum Wages Act, 1948.

The learned counsel for the petitioner relying upon paragraph 9 of the order challenged has submitted that the authority concerned did not follow the principle of natural justice by not considering the documents filed by the petitioners in accordance with law. No reasoned order has been passed by the authority concerned while rejecting the genuinity of the documents produced by the petitioner.

On the other hand the opposite parties have stated that the authority concerned in his wisdom has passed the order and the rights of the parties have been duly addressed.

On hearing the parties, paragraph 8 & 9 of the order under challenge is required to be reproduced herein:-

*“8. After going through submissions, of all the parties, it is found that **there is no documentary evidence for the date of joining in the company other than as submitted by the contractor M/s G G Construction.** In the course of hearing, **the Union agreed to consider the date of joining as submitted by M/s G G Construction.***

9. Submission of M/s G G Construction in respect of daily attendance and payment proof do not satisfy the Authority as genuine. Accordingly, except for the joining date, No. of days worked in a month and actual payment amount will be considered as per the claim and submission of the Union.”

It is clear from the said observations of the authority concerned that the authority without passing a reasoned order has held that the case of the petitioner herein, as not genuine. No explanation has been given as to why the authority was not satisfied with the case of the petitioner in

respect of daily attendance and payment proof. The said decision in that respect being very relevant to the issue to be decided should have been considered by the authority in accordance with law by passing a reasoned order, which in this case is missing. If the next sentence at paragraph 9 it has been further held that except for the joining date (which the Union agreed to accept the petitioner's statement as to date of joining), the no. of days worked in a month and actual payment amount would be considered as per claim and submission of the union. The said observation is also not in accordance with law and against the principles of natural justice.

It appears from the order that the authority concerned was bent upon accepting whatever the Union agreed upon, without passing a reasoned order, discarding the case of the petitioner herein.

The authority thus concerned acted against the law on holding that the number of days worked in a month and actual payment amount will be considered as per the claim and submission of the Union. **Be it noted that the Union was also not armed with any documents.**

In view of the said observations, the order passed by the authority concerned being entirely

against the principles of natural justice, is liable to be set aside.

Accordingly, the order under challenge dated 18th December, 2024 in Claim Application No. M.W. 15 of 2023 filed under Section 20(3) of the Minimum Wages Act, 1948 is hereby set aside. The authority concerned being the Regional Labour Commissioner (C), Asansol is directed to hear the matter afresh in presence of both the parties and consider the documents/evidence if any produced by the parties herein, in accordance with law and by passing a reasoned order shall consider the said claim application **afresh** within 60 days from the date of communication of this order.

WPA 1969 of 2025 is accordingly disposed of.

Parties to act on the basis of server copy of this order duly downloaded from the official website of this Court.

Applications, if any, connected thereto stand disposed of consequently.

Interim order, if any, stands vacated.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after complying with all requisite formalities.

[Shampa Dutt (Paul). J]