



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 721 OF 2019

(Nitin s/o Dashrath Thakur vs. The Assistant Labour Commissioner, Nagpur and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. A.J.Salway, Advocate for petitioner.
Mr. H.R.Dhumale, AGP for respondent No.1.
Mr. D.C.Chanade, Advocate for respondent Nos.2 to 21.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 07, 2025

- 1) Heard learned counsel for the respective parties.
- 2) The petitioner has assailed order dated 05/01/2018 passed by the learned Assistant Labour Commissioner and Appropriate Authority under the Minimum Wages Act, 1948.
- 3) Learned counsel for the petitioner submits that learned Assistant Labour Commissioner, without giving sufficient opportunity to the petitioner, passed the impugned order. He would further submit that after raising an objection about the maintainability of the proceedings, further dates were not communicated to him and he was not given an opportunity to cross-examine the witnesses. Even he was not given an opportunity to lead the evidence in support of his claim.
- 4) Learned counsel in support of his contention invited my attention to the observations made by the learned Assistant Labour Commissioner and on this ground alone he prayed to remand the matter back to the authority to decide it afresh.

- 5) Per contra learned Assistant Government Pleader for respondent No.1 and learned counsel for the respondent Nos.2 to 21 supported the order and contended that sufficient opportunity was given to the petitioner. The moment when the he appeared in the matter and submitted his reply, he was knowing of the dates in the proceeding and despite of giving notice, he chose not to participate in the further proceeding and therefore, the impugned order is legal and proper.
- 6) Having gone through the order passed by the learned Assistant Labour Commissioner, it transpires that after raising objections, the petitioner never turned up before the authority. Considering the record available, learned Assistant Labour Commissioner passed the impugned order.
- 7) In the interest of justice, the matter needs to be remanded back to decide it afresh, subject to depositing the amount of Rs.14 Lakh before the Assistant Labour Commissioner.
- 8) It is made clear that the proceeding will be restore only after depositing the amount as mentioned above. After depositing the amount, the Assistant Labour Commissioner to decide the proceedings within a period of two months thereafter by giving an opportunity of hearing to all the parties.

(SIDDHESHWAR S. THOMBRE, J.)