

**CWP-5803-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(116)****CWP-5803-2025****Date of Decision : March 03, 2025****Anglo French Drugs & Industries Limited****.. Petitioner****Versus****Manish Sachdeva and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI****Present: Mr. Barjinder Singh, Advocate, for the petitioner.****HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the order dated 19.12.2024 (Annexure P-5) passed by the authority concerned under the payment of Minimum Wages Act, 1948 holding therein that as respondent No.1-employee was not paid the minimum wages by the petitioner-Industry as are required to be paid under the Minimum Wages Act, 1948 (hereinafter '1948 Act') hence, the liability has been fastened upon the petitioner so as to pay a sum of Rs.3,39,028/- along with 6% interest, which interest is only payable from the date of the impugned order till the actual date of payment.

2. Learned counsel for the petitioner submits that the description of the wages paid to the respondent No.1-employee as filed along with the claim petition was found to be incorrect keeping in view the reply filed hence, accepting the plea of respondent No.1 that he has not been given the

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entitled wages under the 1948 Act should have been declined by the authorities concerned.

3. Learned counsel for the petitioner further submits that the affidavit filed by the claimant was not attested by him hence, no reliance could have been placed upon the same by the authorities concerned under 1948 Act so as to pass the Award impugned here in the present petition.

4. I have heard learned counsel for the petitioner and have gone through the record with his able assistance.

5. The first question which arise for consideration before this Court is whether, respondent No.1 is entitled for the benefit of wages or not which benefit has been extended to him by the authorities concerned while exercising jurisdiction under the Minimum Wages Act, 1948. As per the calculation of wages given by the petitioner, which was placed before the authorities concerned, decision has been taken by taking into consideration the said date keeping in view the minimum wages fixed for the post on which respondent No.1 working, which made it clear that workman was not given the said benefit of minimum wages fixed for the post on which he was working though he was entitled to, hence, the order which has been passed by the authorities concerned is based only upon the reply filed by the petitioner before the authorities concerned.

6. Learned counsel for the petitioner has not been able to dispute that the minimum wages fixed for the post on which the petitioner was working, was not given to him.

7. That being so, the order passed by the authorities, impugned in the present petition, needs no interference by this Court.

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8. At this stage, petitioner submits again that the affidavit filed by respondent No.1 was not attested hence, the same could not have been taken into account by the authorities concerned under 1948 Act. At the cost of repetition, it is again stipulated that the benefit to respondent No.1 has been given solely on the basis of the data given by the petitioner in his reply as to what were the wages which were being paid to the respondent-employee during his service. After taking into consideration the said reply, a finding has been given that the provisions of the Minimum Wages Act, 1948 qua the post on which the respondent No.1-employee was working, has not been complied with, hence the question that whether the affidavit by respondent No.1-employee was attested or not, becomes irrelevant as the same has not been taken into consideration by the authorities concerned while granting the relief to respondent No.1.

9. No other argument was raised.

10. Keeping in view the above, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Accordingly, the writ petition is dismissed in limine.

March 03, 2025*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : No