



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

226

CWP-18415-2015 (O&M)
Date of decision: 17.09.2025

Savinder Singh

...Petitioner

Versus

Authority under the Minimum Wages Act, Sirsa Circle, Sirsa and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. B.S. Mittal, Advocate
for the petitioner.

Mr. Rajesh Sheoran, Advocate (*Amicus Curiae*)
for respondents No. 2 to 14.

KULDEEP TIWARI, J.(oral)

1. Through the instant petition challenge is thrown to the order dated 08.08.2014 (Annexure P-1), passed by respondent No.1, under the Minimum Wages Act, Sirsa Circle, Sirsa (hereinafter referred to as 'the Authority') wherethrough, the petitioner was directed to deposit Rs. 70,000/- in the Court, within a period of 30 days from the date of passing of the impugned order, failing which he was held liable to pay compensation of equal amount i.e. Rs. 70,000/- alongwith principle amount of Rs. 70,000/-.

2. Upon notice, earlier private respondents No. 2 to 12 were represented by their counsel. However, thereafter, nobody caused appearance, and even reply was not filed on either behalf, considering that



the private respondents are poor workmen, Coordinate Bench of this Court, vide its order dated 02.05.2024, appointed Mr. Rajesh Sheoran, Advocate as *Amicus Curiae* for the purpose of assistance, and to represent the cause of private respondents-workmen.

3. Succinctly, the private respondents-workmen filed an application under the Minimum Wages Act, 1948 (hereinafter referred to as 'Act of 1948') claiming their balance wages from the petitioner. The case as set up in their application is that they were employed by the petitioner for construction of his house. The rate of wages for masons were Rs. 350/- per day, and for labour were Rs. 250/- per day. The private respondents-workmen worked as such for 102 days commencing from 09.11.2011 till 29.03.2012. As per the respondents-workmen, the total amount of their wages comes out to be Rs. 3,31,500/-, however, the petitioner had paid only Rs. 1,63,000/-, and a sum of Rs. 1,68,500/- remained unpaid. The petitioner subsequently refused to pay the balance wages in the presence of one Gurmeet Singh s/o Pritam Singh.

4. The petitioner upon notice by the Authority, caused appearance and raised various objections. Apart from formal objections, it is submitted before the Authority that the instant application is bad for non-joinder of necessary parties, as the petitioner had engaged one Gurmeet Singh son of Pritam Singh for construction of his house on contract basis @ Rs. 63/- per sq. ft. The contractor Gurmeet Singh had engaged his own labour for construction work. The respondent-workmen were never engaged by the petitioner for construction work. The Contractor left the work, and did not complete it, and due to which, the dispute between the petitioner, and the Contractor arose. Subsequently, local Panchayat was convened, and as per the decision of the



Panchayat, the complete amount of Rs. 1,80,000/- was paid by the petitioner, in presence of Panchayat. It was further prayed that the rest of the work of the house was got completed from another mason. Both the parties led their respective evidence before the Authority below, and finally the application was partially allowed by passing the impugned award, where through, the petitioner is fastened with a liability to pay Rs. 70,000/-.

5. Learned counsel for the petitioner would submit that the application was filed beyond the statutory limitation period, and that the same ought not to have been entertained by the Authority concerned. He further argued that there is no relationship of employer and employee, and the respondent-workmen failed to establish this aspect before the Authority concerned. However, learned Authority while putting misplaced reliance upon the provisions of Contract Labour (Regulation and Abolition) Act, 1970 (hereinafter referred to as 'the Act') granted the compensation.

6. Mr. Rajesh Sheoran, Advocate, who was appointed as *Amicus Curiae* in the instant case submitted that the issue of limitation has rightly been adjudicated by the Authority. He draws attention of the Court towards Section 20 of the Act, which provides that every application shall be presented within six months on which Minimum Wages (or the other amount) become payable. He further submitted that the provisions prescribed therein that application may be admitted after the said period of six months, when the applicant satisfies the authority that he had sufficient cause for not making the application within such period. He also submitted that in the present case, wages are due for the period of 09.11.2011 to 29.03.2012, but application was filed on 12.12.2012, along with the application for condonation of delay, and the same was



condoned by the learned Authority after considering all the facts and circumstances of the case. He in addition submits that the petitioner cannot succeed to throw challenge to the impugned award by taking plea of limitation. However, he fairly addressed arguments before this Court that there exists no relationship of employer and employee, and there is no finding as to how the applicants are employee of the petitioner. He over and above submits that the Authority has raised a presumption in view of Section 21(4) of the Act of 1970, however, the Section 21(4) of the Act of 1970 was not considered. As per Section 1(4) of the Act of 1970, the provision of this Act applies to a establishment in which 20 or more workmen employed on any day of proceeding twelve months. The provision of Section 1(4) of the Act of 1970 is extracted hereinafter :

“Section 1(4) in The Contract Labour (Regulation and Abolition) Act, 1970

(4) It applies—

(a) to every establishment in which twenty or more workmen are employed or were employed on any day of the preceding twelve months as contract labour;

(b) to every contractor who employs or who employed on any day of the preceding twelve months twenty or more workmen:

Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any establishment or contractor employing such number of workmen less than twenty as may be specified in the notification.”

He finally submits that in view of Section 1(5)(a) of the Act of 1970, the provision of this Act is not applicable to the establishment in which work only for intermittent, or casual nature performance. The relevant provision is extracted hereinafter :



“Section 1(5)(a) in The Contract Labour (Regulation and Abolition) Act, 1970(a) It shall not apply to establishments in which work only of an intermittent or casual nature is performed.”

While referring to the evidence, he has submitted that there is a positive evidence adduced by the petitioner to the effect that respondent-workmen were engaged through a Contractor, which has not been appreciated in its right perspective. Therefore, the finding of the learned authority in this regard is perverse and needs interference.

7. This Court has considered the arguments raised by both the parties concerned, and has perused the impugned award.

8. A perusal of the impugned award clearly reflects that the petitioner was held liable with the strength of Section 21(4) of the Act of 1970. Once the authority itself has held that there is a possibility that work of construction of house was given to a Contractor namely Gurmeet Singh, then by invoking Section 21(4) of the Act of 1970, the liability cannot be fastened upon the petitioner, specifically when this Act is not applicable. In view of the facts and circumstances of the present case, the instant petition is **allowed**, and the impugned award is **set aside**.

9. Pending application(s), if any, also stands disposed of.

10. This Court records appreciation on the part of Mr. Rajesh Sheoran, Advocate for assisting this Court that too as an *Amicus curiae*.

17.09.2025

Satyawan

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether Reportable : *Yes/No*