



CWP-23938-2017 (O&M)

-1-

108

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

CWP-23938-2017 (O&M)

DATE OF DECISION: 18.02.2026

BHATTA MAZDOOR VIKAS MANCH

-PETITIONER

V/S

STATE OF HARYANA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Salil Dev Singh Bali, Sr. Advocate with
Ms. Arti Singh, Advocate
Mr. Jaiveer Singh Bali, Advocate,
Mr. Archana Chauhan, Advocate,
for the petitioner.

Mr. Bhupender Singh, Addl. A.G., Haryana.

Mr. Naveen Kumar, Advocate and
Mr. Arman Goyal, Advocate,
for the applicant/intervenor.

KULDEEP TIWARI, J. (Oral)

CM-6331-CWP-2018

Through the instant application, as filed under Order 1 Rule X read with Section 151 CPC, a prayer has been made by Haryana Pradesh Brick-kiln Owners Association, for impleading them as a necessary party.

Learned senior counsel for the non-applicant/petitioner, submits that he has no objection, if the said application is allowed.

**CWP-23938-2017 (O&M)**

-2-

In view of the above, the application stands **allowed**, and Haryana Pradesh Brick-kiln Owners Association is ordered to be impleaded as a respondent no.4, in the accompanying petition.

The amended memo of parties is ordered to be taken on record.

Registry is directed to tag the same at an appropriate place of the case file.

CWP-23938-2017

1. Through the instant petition, cast under Article 226/227 of the Constitution of India, validity of the notification dated 07.07.2017 (Annexure P-5), issued as a corrigendum, has been put to challenge by the petitioner, which is a union of labourers, on the ground that the said corrigendum materially alters and shifts the substance of the principal notification dated 21.10.2015, which is not permissible under the Minimum Wages Act, 1948 (hereinafter referred to as the 'Act of 1948').

2. Shorn of unnecessary details, lets straightway come to the facts of the matter. The Government of Haryana in exercise of its power conferred by Clause (b) of Sub-section (1) of Section 5 of the Act of 1948, issued a notification dated 14.08.2014, inviting objections or suggestions, from the stakeholders, likely to be affected from the said notification. In the instant petition, the controversy pertains to the minimum wages fixed for labourers engaged in loading of bricks, in brick kilns in the State of Haryana, through 'Animal-Driven Rehri (cart).' The relevant portion of notification, in its English version, is extracted

CWP-23938-2017 (O&M)

hereinafter:-

On dated 01.11.2014		Proposed
Serial Number	Category of the employees	Per 100 bricks per 1000 Tiles
1	2	3
1.	XXX	XXXX XXX
2.	Bharai Wala (Loading of bricks into Kiln)	(a) Rs.189.74 per 1000 bricks loaded in the Kiln provided the distance from the field to the kiln is upto 400 meters. Beyond this distance an additional wage of Rs.16.87 per 1000 bricks for every additional 100 meter or part thereof shall be paid. These rates will be applicble to the Donkey/Khachar loader only
		(b) Rs.156.01 loading by the tempo.or any other Mechanical Driven vehicles is upto 1000 meters. Beyond this distance an additional wage of Rs.16.87 for 1000 bricks for every additional 500 meters or part thereof shall be paid.
3.	XXX	XXX
4.	XXX	XXX
5.	XXX	XXX
6.	XXX	XXX

3. What needs to be emphasised over here, is that, in the above notification, in its English version, there is no mention of wages payable to the Animal-Driven Rehri loader. However, in the Hindi version of the said notification, such category finds mention in item no.(kha)/(b) of column no.3. It is also necessary to understand that item no.(ka)/(a) prescribes higher wages, whereas item no.(kha)/(b) prescribes lesser wages. The rationale behind difference in wages is obvious; where the manual labour is involved fetches higher wages, than the loading carried out through tempo, or any other mechanical vehicle.

4. The objections were submitted by the stakeholders. Thereafter, the matter was considered by the Advisory Board, and final

notification was issued on 21.10.2015.

5. The notification dated 21.10.2015, was published in both English and Hindi version. In Hindi version of the said notification relating to brick Kiln industry the word 'Animal Driven Rehri (cart)' appears in item no.(ka)/(a) of column no.3, whereas, in English version thereof, this category was again omitted. The relevant comparison chart is extracted hereinafter:-

Extract of the English version of notification dated 21.10.2015			Extract of Hindi version (now translated in English of notification dated 21.10.2015.
Sr. No.	Category of the employees	Per 1000 bricks per 1000 tiles	
1.	XXX	XXX	XXX
2.	Bharai Wala (Loading of bricks into Klin)	(a) Rs.194.87 per 1000 bricks loaded in the kiln provided the distance from the field to the kiln is upto 400 meters. Beyond this distance an additional wage of Rs.17.32 per 1000 bricks for every additional 100 meter or part thereof shall be paid. These rates will be applicable to the Donkey Khachar loader only.	Rs.194.87 per 1000 bricks loaded in the kiln provided the distance from the field to the kiln is upto 400 meters. Beyond this distance an additional wage of Rs.17.32 per 1000 bricks for every additional 100 meter or part thereof shall be paid. These rates will be applicable to the Donkey/Khachar , or animal driven rehri loader only
		(b) Rs.160.22 loading by tempo, or any other Mechanical Driven vehicles is upto 1000 meters. Beyond this distance an additional wage of Rs.17.32 for 1000 bricks for every additional 500 meters or part thereof shall be paid.	Rs.160.22 loading by tempo or any other Mechanical Driven vehicles upto 1000 meters. Beyond this distance an additional wage of Rs.17.32 for 1000 bricks for every additional 500 meters or part thereof shall be paid.

6. It clearly reflects that the 'Animal Driven Rehri' category in

**CWP-23938-2017 (O&M)**

-5-

Hindi Version notification finds mentioned in item no. (ka)/(a) of column no.3, whereas, in English version thereof, it neither finds mentioned in item no.(a) nor (b) in column no.3. Thereafter, upon a representation filed by the Union of Brick Kiln Owners, the competent authority considered the same, and by virtue of corrigendum issued on 07.07.2017, the category of 'Animal Driven Rehri', was shifted to item no. (b) in column no.3. The relevant is extracted hereinafter:-

“i) In item (a), in forth line in place of words 'only loading on the back of donkey/mule or animal driven rehri' be read as 'only loading on the back of donkey/mule'.

ii) In item (b), in first line, for the words and figures “Rs.160.22 loading by the tempo, or any other Mechanical Driven Vehicle,” the words and figures “Rs.160.22 loading by tempo or animal rehri or any other Mechanical Driven vehicles”, shall be read.”

7. The above corrigendum, caused grievance to the workers union (petitioner). Hence the instant writ petition.

8. Learned senior counsel for the petitioner draws attention of this Court towards Sections 4 and 5 of the Act of 1948, and submits that under the garb of said corrigendum the category of workers. involved in loading of bricks through a cart/rehri driven by an animal, was shifted from item no.(a) to item no.(b), thereby, causing financial loss to them, and it has been done at the behest of the brick Kiln Owners Union in order to given undue benefit to them.

9. He further submits that under the garb of said corrigendum, the entire notification has been altered, which is impermissible under the Act of 1948. He also contends that Section 10 of the Act of 1948, only



CWP-23938-2017 (O&M)

-6-

empowers the Government to correct clerical or arithmetical mistakes occurring in fixation, or revision minimum rates of wages, or to rectify errors arising from accidental slips or omissions. The said provision does not authorise the Government to alter/change the category, that has been duly fixed and notified under the provisions of Section 5 of the said Act.

10. He, finally, submits that the 'arithmetical mistake', is a 'mistake of calculation' and 'clerical mistake' is a 'mistake in writing or typing'. In the similar manner, any mistake occurred out of an accidental slip or omission is an error due to carelessness or inadvertence, however unintentional. While placing reliance upon a judgment passed by the Hon'ble Supreme Court in “**Gomantak Mazdoor Sangh vs. State of Goa and anr.**, 2022 (3) SCT 164, he submits that a similar issue arose for consideration. In the said verdict, the act of the Government, to revise the minimum wages by issuing corrigendum, was deprecated.

11. During the pendency of the instant petition, in order to understand, as to whether, the corrigendum is to rectify the clerical mistake, or to change in substantial category, this Court vide an interim order dated 02.02.2026, directed the State, to place on record the Hindi as well as English version of original, as well as amended notification, being the custodian of records. The said order is extracted hereinafter:-

“The issue which arises for consideration before this Court is that as to whether, the corrigendum is to rectify the clerical mistake, or there is change in the substantial category and this can only be clarified in case, both Hindi and English versions of the impugned notification is placed on record before this Court.

In view of the above, learned counsel for the

**CWP-23938-2017 (O&M)**

-7-

State, who is the custodian of the record, is directed to place on record the Hindi as well as English versions of original as well as amended notification before this Court, on or before the next date of hearing.

List on 17.02.2026.

To be shown in the urgent list.

Interim order to continue till the next date of hearing.

In case of non-compliance of the directions (supra), the officer concerned/signatory of the notification, shall cause his/her personal appearance before this Court, on the date fixed.

It is made clear that on the next date of hearing, no request for an adjournment on behalf of either of the parties concerned, shall be entertained.”

12. In deference to the aforesaid directions, a compliance report dated 12.02.2026, by way of an affidavit dated Sh.Paramjeet Singh, Joint Labour Commissioner, Haryana, has been filed today in Court, with a copy thereof, supplied to learned counsel opposite. The same is ordered to be taken on record.

13. In the aforesaid affidavit, the State while maintaining its earlier stand to the effect that the Government is empowered under Section 10 of the Act of 1948, to correct the clerical and arithmetical mistakes/errors, submits that in Hindi Version of notification dated 21.10.2015, though, the category on 'Animal Driven Rehri', was mentioned in item no. (ka)/(a), whereas in English version thereof, it is neither mentioned in item no.(a) nor (b), therefore, the impugned corrigendum dated 07.07.2017, was issued, and the said category was notified to be mentioned in item no.(b) of the aforesaid English Version notification.

14. Learned counsel representing respondent no.4-Brick Kiln

**CWP-23938-2017 (O&M)**

-8-

Owners' Union, draws attention of this Court towards Article 348(1)(b)(iii) of the Constitution of India, to submit that in case of any contradiction arises between English and Hindi Version, the English Version will prevail.

15. He further submits that, earlier also, a similar issue arose, and the petitioner-Union had challenged the earlier notification issued on dated 27.06.2007, along with the corrigendum dated 17.03.2008 issued thereto, by filing Civil Writ Petition bearing No.CWP-5443-2008, wherein, the act of the State Government was upheld vide order dated 09.08.2008.

16. This Court has considered the rival submissions, as made by the learned counsel for the parties concerned, and has perused the entire case file. At this juncture, it is imperative to have a glimpse upon the relevant statutory provisions of Section 4 of the Act of 1948, which prescribes the minimum wages revised, after following due procedures as prescribed under Section 5 thereof. Sections 4 and 5 of the Act of 1948, are reproduced hereinafter:-

"4. Minimum rate of wages.-(1) Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments under Section 3 may consist of

(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the variation in the cost of living index number applicable to such workers (hereinafter referred to as the "cost of living allowance"); or

(ii) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of



CWP-23938-2017 (O&M)

-9-

supplies of essential commodities at concession rates, where so authorised; or

(iii) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate Government.

5. Procedure for fixing and revising minimum wages.-(1) In fixing minimum rates of wages in respect of any scheduled employment for the first time under this Act or in revising minimum rates of wages so fixed, the appropriate Government shall either-

(a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, or

(b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

(2) After considering the advice of the committee or committees appointed under clause (a) of sub-section (1) or, as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue:

Provided that where the appropriate Government proposes to revise the minimum rates of wages by the mode specified in clause (b) of sub-section (1), the appropriate Government shall consult the Advisory Board also."

17. A conjoint reading of aforesaid sections make it vividly clear that once the minimum wages are revised and determined, the same cannot be, thereafter, altered or reduced by issuing a corrigendum. And furthermore, Section 10 empowers the authority concerned, to correct the

**CWP-23938-2017 (O&M)**

-10-

errors, which is limited only to the extent of clerical or arithmetical mistakes, or errors arising from any accidental slip or omissions. Section 10 is extracted hereinafter:-

“10. **Correction of errors.**-(1) The appropriate Government may, at any time, by notification in the Official Gazette, correct clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages under this Act, or errors arising therein from any accidental slip or omission.

2) Every such notification shall, as soon as may be after it is issued, be placed before the Advisory Board for information.”

18. In the instant case, the notification dated 21.10.2015, issued in its Hindi version, the category of “Animal Driver Rehri” was mentioned in item no.(ka)/(a), which prescribed higher wages, however, in its English version, the said category was not mentioned either in item no.(a) or (b). Therefore, the State Government cannot, by considering the same as a clerical or arithmetical error, shift the said category from item no.(a) to item no.(b), by issuing the impugned corrigendum. Such alteration could only have been effected by following the proper procedure as envisaged under Sections 4 and 5 of the Act of 1948.

19. It is not even a case of omission. If, at all, had it been a case of omission of category, such omission would have been reflected in the English version notification. In that eventuality, the authority of the State, could have prescribed or clarified the category only by issuing a corrigendum *qua* the English version of the notification, however, the item no. within which that category falls, would have remained the same, i.e., item no.(a). This issue has been considered in **Gomantak Mazdoor Sangh's** case (*supra*), wherein, the Hon'ble Supreme Court has clearly



CWP-23938-2017 (O&M)

-11-

held that the Government under the garb of correction of error cannot downgrade the minimum wages fixed, after following the procedures envisaged under Section 5 of the Act of 1948. The relevant paras of the said judgment are extracted hereinafter:-

“7. Therefore, once the minimum wages were revised and determined, which included the basic rates of wages and the special allowance as per Section 4(1)(i) of the Act, 1948, thereafter it cannot be said that there was any clerical and/or arithmetical mistake in mentioning clause (i). The minimum wages were revised and determined even after consultation with the Minimum Wage Advisory Board as required under Section 5 of the Act, 1948. Therefore, once there was no mistake, the same could not have been corrected in exercise of powers under Section 10 of the Act, 1948.

7.1 Even as per Section 10, only the clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages can be corrected. Section 10 of the Act, 1948 reads as under:-

“10. Correction of errors.—(1) The appropriate Government may, at any time, by notification in the Official Gazette, correct clerical or arithmetical mistakes in any order fixing or revising minimum rates of wages under this Act, or errors arising therein from any accidental slip or omission.

(2) Every such notification shall, as soon as may be after it is issued, be placed before the Advisory Board for information.”

7.2 What can be said to be an arithmetical or clerical error has been dealt with and considered by this Court in the case of Master Construction Co. (P) Ltd. (supra). It is observed and held that an arithmetical mistake is a mistake of calculation; a clerical mistake is a mistake in writing or typing. An error arising out of or occurring from an accidental slip or omission is an error due to a careless or inadvertent mistake or omission unintentionally made.

8.1 Therefore, considering paragraphs 8 to 10 of the counter, even according to the State, after the representation of the Labour Union, which objected to the draft notification by putting forth their views for introduction of a special allowance in the form of ‘Variable Dearness Allowance’ and after due deliberations for a longer period of time, the final notification was issued determining the minimum wages with special allowance. Therefore, subsequent case on behalf of the State that under the notification dated 23/24.05.2016, there was a clerical mistake by mentioning clause (i), which was corrected by issuing the subsequent Errata Notification cannot be accepted.

**CWP-23938-2017 (O&M)**

-12-

9. Even by applying Section 21 of the General Clauses Act and assuming that the State was having power to amend, vary or rescind the notification, in that case also such power can be exercised in a like manner, namely after following the procedure, which was followed while issuing the original notification. Therefore, in the present case, assuming that the State was having the power to amend, vary or rescind the notification in exercise of powers under Section 21 of the General Clauses Act, in that case also, when the earlier notification dated 23/24.05.2016 was issued after following the due procedure as required under Sections 4 and 5 of the Act, 1948, the same procedure ought to have been followed even while varying and/or modifying the notification. Hence, the notification dated 23/24.05.2016 could not have been modified by such an Errata Notification which was issued in purported exercise of Section 10 of the Act, 1948.”

20. Following the same analogy, this Court finds that the submissions made by learned senior counsel for the petitioner, carry merits. The State Government, by invoking Section 10 of the Act of 1948, cannot change the category of labourers, from item no.(a) to item no.(b).

21. Further, the stand taken by the State that in the notification dated 14.08.2014, whereby, objections and suggestions were invited, the category of “Animal Driven Rehri” was mentioned in item no. (kha)/(b) in the Hindi version, also carries no weight. In the English version of the aforesaid notification, the wages for loading through “Animal Driven Rehri” were not mentioned either in item no. (a) or item no.(b), however, in Hindi version notification, it finds mentioned in item no.(kha)/(b). Once the objections and suggestions were duly considered by the Advisory Board and a final notification dated 21.10.2015, wherein, the said category which was placed in item no.(a) of column no.3, could not, thereafter, be shifted to item no.(b) by issuing the impugned corrigendum.

22. The contention of learned counsel for respondent no.4, is that



CWP-23938-2017 (O&M)

-13-

in view of the Article 348 of the Constitution of India, English version notification will prevail, also carries no merit. The same is being recorded only for the purpose of rejection, as it is not a case of contradiction of English and Hindi version of the notification.

23. As already recorded above, in Hindi version notification dated 21.10.2015, the category of 'Animal Driven Rehri', finds mentioned in item no. (ka)/(a), whereas, in English version thereof, it is neither mentioned in item no.(a) nor (b). It is a case of omission in English version notification, and the State Government cannot issue corrigendum with the aid of Section 10 of the Act of 1948, and cannot change item no. of the said category, and bring down from item no.(a) to item no.(b), i.e. from higher wages category to lower wages category.

24. In view of the above discussions, the impugned corrigendum dated 07.07.2017, is **set aside**, and the category of '**Animal Driven Rehri**' is ordered to be placed in item no.(a) of column no.3 of English version notification dated 21.10.2015, by issuing a corrigendum by the State.

25. Resultantly, the instant petition stands **allowed**.

February 18, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No