



\$~45

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9869/2023, CM APPLs 37955/2023, 43768/2023

M/S TTK HEALTHCARE LIMITEDPetitioner

Through: Mr. Raja Ram Iyer and Mr. B. Vignesia, Advocates.

versus

SHARAD TANDON AND ANRRespondents

Through: Mr. Nikhil Singhvi and Mr. Sanyam Kumar, Advocates for respondent no.1.

Mr. Anubhav Gupta, Panel Counsel, GNCTD with Mr. Karti, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

%

09.03.2026

1. By way of present petition filed under Article 226/227 of the Constitution of India, the petitioner seeks to assail the order dated 16.06.2023 passed by the learned Authority under the Minimum Wages Act, 1948 whereby the petitioner has been directed to pay a sum of Rs.3,24,579/-, which is imposed by the Authority under Section 20(3)(i) of the Minimum Wages Act towards penalty.
2. Briefly stated, the respondent no.1 had approached the learned Authority being aggrieved by the action of the petitioner in failing to pay the minimum wages for the following periods:-



S.No.	Period	Amount claimed for less paid
1.	01.12.2009 to 30.11.2010	Rs.35,971/-
2.	01.12.2010 to 30.11.2011	Rs.55,120/-
3.	01.12.2011 to 30.11.2012	Rs.17,102/-
	Total Amount claimed	Rs.1,08,193/-

3. Initially, the learned Authority disposed of the claim application on 08.10.2018 whereby it was held as under:-

“...5. In view of the above discussion, Claimant is entitled to claim only for 06 months from this Authority from June 2012 to November 2012 @ Rs.1212/- less payment Respondent Management z Zis liable to pay the claimant, which come sot Rs.7272/-, as per Section 20 Sub-Section (2) of the Minimum Wages /Act, 1948. According to this Claimant has already received Rs.108,193 excess amount from the Respondent, as such no further directions regarding issue on penalty is required, in this matter. Hence, the Claimant is not entitled any penalty further form Respondent....”

4. Being aggrieved by the aforesaid order, respondent no.1 had approached this Court by way of W.P.(C) 5780/2019, which came to be disposed of on 10.03.2023, wherein this Court observed that the learned Authority had failed to deal with the claimant's claim qua the period 01.12.2009 to 30.11.2010 and 01.12.2010 to 30.11.2011.

5. Accordingly, the order dated 08.10.2018 was set aside to the aforesaid extent and the matter was remitted back to the learned Authority.

6. Pursuant to being remanded back, the learned Authority had passed the impugned order, thereby imposing the aforesaid amount towards penalty, which is under challenge before this Court.



7. Learned counsel appearing for the petitioner submits that the impugned award is silent as to why the penalty to the extent of four times has been imposed. He further states that to show the bonafides, the petitioner has deposited a sum of Rs.1,08,193/- being one time penalty in addition to arrears of minimum wages.

8. Section 20 (3) (i) of the Minimum Wages Act provides for imposition of penalty and the same reads as under:-

...
“(3) When any application under sub-section (2) is entertained, the Authority shall hear the applicant and the employer, or give them an opportunity of being heard, and after such further inquiry, if any, as it may consider necessary, may, without prejudice to any other penalty to which the employer may be liable under this Act, direct-
(i) in the case of a claim arising out of payment of less than the minimum rates of wages, the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid, together with the payment of such compensation as the Authority may think fit, not exceeding ten times the amount of such excess...”

9. Before proceeding further, it is apposite to note that the scope of a writ petition under Article 226/227 of the Constitution of India is limited to the extent of the impugned order being perverse, without jurisdiction or without following the principles of natural justice. In this regard, reference can be made to ‘Syed Yakoob v. K.S. Radhakrishnan’¹, wherein the Supreme Court held as under:-

“7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can

¹ 1963 SCC OnLine SC 24



similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised.”

10. It is well settled that the High Court does not act as an appellate forum over findings of fact recorded by the Tribunal. In this regard, reference may be made to ‘International Airport Authority of India v. International Air Cargo Workers Union’², wherein the Supreme Court held as under:-

“47. It is true that in exercising the writ jurisdiction, the High Court cannot sit in appeal over the findings and award of the Industrial Tribunal and therefore, cannot reappreciate evidence. The findings of fact recorded by a fact-finding authority should ordinarily be considered as final. The findings of the Tribunal should not be interfered with in writ jurisdiction merely on

² (2009) 13 SCC 374



the ground that the material on which the Tribunal had acted was insufficient or not credible.

48. It is also true that as long as the findings of fact are based on some materials which are relevant, findings may not be interfered with merely because another view is also possible. But where the Tribunal records findings on no evidence or irrelevant evidence, it is certainly open to the High Court to interfere with the award of the Industrial Tribunal.”

11. Gainful reference can also be made to the observations of a Coordinate Bench of this Court examining the scope of interference under Article 226 of the Constitution of India. This Court has considered the scope of its writ jurisdiction in ‘*Ritz Theatre Private Limited v. Ramesh Chandra*’³, wherein it was held as under:

“21. At this juncture, this Court shall briefly revisit the scope of its power under Article 226 of the Constitution of India. The jurisdiction, of the High Court in matters where Article 226 has been invoked, is limited. It is a well settled proposition of law that it is not for the High Courts to constitute itself into an Appellate Court over the decisions passed by the Tribunals/Courts/ Authorities below, since, the concerned authority is constituted under special legislations to resolve the disputes of a particular kind.

22. A writ is issued for correcting errors of jurisdiction committed by inferior Courts or Tribunals and such errors would mean where orders are passed by inferior Courts or Tribunals without jurisdiction, or in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to the principles of natural justice.

23. Tersely stated, firstly, a High Court shall exercise its writ jurisdiction sparingly and shall act in a supervisory capacity and not adjudicate upon matters as an appellate court. Secondly, the Constitutional Court shall not exercise its writ jurisdiction to interfere when prima facie; the Court can conclude that no error of law has occurred. Thirdly, judicial review involves a challenge to the legal validity of the decision. It does not allow

³ 2024 SCC OnLine Del 3633



the Court of review examine the evidence with a view to forming its own view about the substantial merits of the case. The reasoning must be cogent and convincing. Fourthly, a High Court shall intervene only in cases where there is a gross violation of the rights of the petitioner and the conclusion of the authority concerned is perverse. A mere irregularity which does not substantially affect the cause of the petitioner shall not be a ground for the Court to intervene. Fifthly, if the Court observes that there has been a gross violation of the principles of natural justice.”

12. A perusal of the impugned order would show that the learned Authority though has the discretion to impose ten times the compensation amount as the penalty, however has restricted itself to multiple of four. In doing so, the learned Authority has observed as under:-

“...The Hon'ble High' Court of Delhi in LPA.No. 407/20133 dated 27.01.2014 in case titled as "M/s Top Security 'Limited Vs. Top Detective and Security Service Ltd. Karamchari Union (Registered)" had awarded 03 times penalty of the arrears of minimum wages in a nearly 10 years old case and for arriving at said rate of compensation, the Hon'ble Court considered that only under the best of the money multiplier scheme, the money is doubled in every 05 years. The penalty under the Act is imposed to compensate the workman and not to penalize the employer. The claims of claimant are pertaining to the period from 01.12.2009 to 30.11.2012 and about 11-14 years have elapsed since the period for which the claims have been preferred. Further, the Respondent on his own without prejudice to his contentions as mentioned in the written statement had paid the claimant the arrears of minimum wage along with one time penalty on his own. Hence. I am of the opinion that total penalty/compensation to 04 times of the arrears of minimum wage would meet the end of justice and the same is allowed in this case. The Respondent has already paid the arrear of minimum wages i.e. Rs. 1,08,193/- along with 01 time penalty totalling to Rs. 2,16,386/-, to the claimant, therefore only the penalty amount to 03 times of the arrears of minimum wages which comes to Rs. 3,24,579/- remains due to be payable to the claimant by the Respondent.”

13. A perusal of the aforesaid would show that the wages demanded for the different periods beginning from 01.12.2009, whereas the impugned award came to be passed only on 16.06.2023. Though the petitioner has claimed that it had deposited the penalty amount on 08.12.2016, the same would not however bind the Authority from exercising its discretion in



awarding the penalty.

14. In view of the foregoing, in the considered opinion of this Court the decision of the Authority needs no interference as the order has been passed in exercise of its discretion.

15. Accordingly, I find no ground to entertain the present writ petition and the same is accordingly dismissed alongwith pending applications.

16. The amount deposited by the petitioner be released to the respondent no. 1 as per rules.

MANOJ KUMAR OHRI, J

MARCH 9, 2026/rd