

(2010) 09 JH CK 0044

Jharkhand High Court

Case No: Writ Petition (L) No. 2066 of 2009

Eastern Naphatha Chemicals Ltd.

APPELLANT

Vs

The State of Jharkhand and
Another

RESPONDENT

Date of Decision: Sept. 23, 2010

Acts Referred:

- Minimum Wages Act, 1948 - Section 20(2)

Citation: (2011) 128 FLR 460 : (2011) 3 LLJ 398

Hon'ble Judges: Pradeep Kumar, J

Bench: Single Bench

Judgement

Pradeep Kumar, J.

Heard learned Counsel for the Petitioner and the learned Counsel for the Respondents.

2. Earlier the State was granted time to file counter affidavit, if any, but no counter affidavit as been filed.

3. After hearing both sides, it appears that on the application filed by the Labor Superintendent," Bokaro Steel City u/s 20(2) of the Minimum Wages Act, 1948, vide order dated 31.1.2006 passed in MW Case No. 7/2002, the Presiding Officer, Labor Court Bokaro Steel City, directed the Petitioner-Company to pay the difference of minimum wages to 53 workers listed in details of the claim. However, it was admitted in the order itself that 26 workers out of the list have been paid the difference of amount from April, 2002 to August, 2002 by the employer after expiry of the specified period and as such the Petitioner-employer was directed to make payment of remaining 27 workmen under the list.

4. Against the said order, the Petitioner-employer went in appeal before the Industrial Tribunal, Ranchi and the Industrial Tribunal after discussing the case of the Petitioner and considering the fact that he had earlier filed an application for

hearing on the preliminary, objection that the application u/s 20(2) of the Minimum Wages Act was not maintainable, fixed the case for hearing on 7.3.2005 but the same could not be heard and subsequently on 29.10.2005 the case was fixed for evidence and thereafter order was passed.

5. It was submitted by the learned Counsel for the Petitioner that before the appellate court he filed his register and documents to show that out of 27 remaining workmen, they are contract labors trainees and outsiders and as such, the Petitioner- company could not get any opportunity to substantiate the said fact, as no written statement was filed by the Petitioner-employer nor any document could be filed and in that view of the matter, the Petitioner has; been deprived an opportunity to prove that all the remaining 27 workmen are not the workmen of the Petitioner-company.

6. It appears from the order that taking the fact that there is no dispute with regard to minimum wages, opportunity to adduce evidence was given to the workmen and the Petitioner-employer and thereafter the appeal was dismissed. However, considering the fact that the documents could not be filed by the Petitioner company, the matter is remanded back to the Labor Court, Bokaro Steel City for reconsidering the order passed on 30.1.2006 in MW Case No. 7/2002 with regard to remaining 27 workmen, after giving opportunity to the Petitioner-employer to file registers and documents before the Labor Court and giving opportunity to the Labor Superintendent, Bokaro Steel City to verify the same and give any evidence or document in rebuttal and thereafter the Labor Court will pass modified order with regard to remaining 27 workmen of the Petitioner-company.

7. With the aforesaid direction and observation, the matter is remained back to the trial court for fresh consideration.

8. This writ petition is, accordingly, disposed of.