

(1996) 10 MP CK 0025

Madhya Pradesh High Court

Case No: M.P. No. 1837 of 1985

Dhannoo Lal

APPELLANT

Vs

Sub-Divisional Officer and
Another

RESPONDENT

Date of Decision: Oct. 17, 1996

Acts Referred:

- Constitution of India, 1950 - Article 227
- Minimum Wages Act, 1948 - Section 20

Citation: (1997) 75 FLR 833 : (1998) 3 LLJ 1048

Hon'ble Judges: D.M. Dharmadhikari, J

Bench: Single Bench

Final Decision: Allowed

Judgement

D.M. Dharmadhikari, J.

The petitioner is agriculturist. Respondent No. 2 was employed with him as an agricultural labourer. By this petition under Article 227 of the Constitution the petitioner assails the order dated May 30, 1985 (Annexure-E) passed by the SDO Seoni Malwa in exercise of his powers as Prescribed Authority under the Minimum Wages Act. By the impugned order, the S.D.O. directed that as the Respondent No. 2 was not paid minimum wages at the rate of Rs. 7.65 p. per day, he should be paid total outstanding wages of Rs. 3078/- plus ten times compensation on the said amount, worked out to Rs. 30,780/-.

2. Shri V.S. Shroti, learned counsel appearing for the petitioner submits that the respondent No. 2 had personally appeared before the S.D.O. alongwith the petitioner and submitted an application in writing on May 24, 1985 (Annexure-D) stating that he had received the arrears of minimum wages and as there existed no dispute he did not wish to prosecute the case. The S.D.O. in the impugned order in paragraph 2 has stated that on June 14, 1984 the petitioner got an application filed

on behalf of Respondent No. 2 for withdrawing the case. The S.D.O. did not permit the withdrawal of the case and passed the order on merits.

3. The learned counsel appearing for the petitioner has brought to the notice of this Court the order sheet dated June 14, 1984 in which the presence of the petitioner as also of Respondent No. 2 has been duly recorded and the fact, of filing of compromise petition has also been mentioned. On the above facts, learned counsel for the petitioner is right in submitting that since the Respondent No. 2 had made an application for withdrawal of the application, the Sub-Divisional Officer could not have decided the case on merits. Even in this petition, despite service of notice by ordinary mode and a special notice by post card, Respondent No. 2 has not appeared to contest the petition.

4. The other ground urged on behalf of the petitioner is that under Clause (i) of Sub-section (3) of Section 20 of the Act, on the outstanding amount of minimum wages the maximum compensation to the extent of 10 times the amount can be directed to be paid. The compensation of 10 times awardable under the above clause of the said sub-section is the outer limit because the words used therein are "not exceeding ten times the amount of such excess". The learned Sub-Divisional Officer has not given any reasons in the impugned order why the compensation at the maximum rate was directed to be paid. The power of directing payment of compensation has thus not been exercised in a quasi-judicial manner as is expected of him under the Provision mentioned above.

5. On the above two grounds the impugned order dated May 30, 1985 passed by the Sub-Divisional Officer cannot be sustained and has to be quashed.

6. Consequently, the petition succeeds and is allowed. The impugned order dated May 30, 1985 (Annexure-E) passed by the Sub-Divisional Officer, Seoni Malwa in exercise of power under the Minimum Wages Act is hereby quashed. Since nobody has contested the petition, the petitioner shall bear his own costs. Security deposit, if any, shall be refunded to the petitioner.