

Seema Kanaujia Vs. Regional Labour Commissioner (Central)-cum-authority and anr.

Seema Kanaujia Vs. Regional Labour Commissioner (Central)-cum-authority and anr.

SooperKanoon Citation : sooperkanoon.com/517536

Court : Jharkhand

Decided On : Apr-04-2002

Reported in : [2002(95)FLR464]; (2003)ILLJ255Jhar

Judge : M.Y. Eqbal, J.

Acts : [Payment of Wages Act, 1936](#) - Sections 15

Appeal No. : W.P. (L) No. 1357 of 2002

Appellant : Seema Kanaujia

Respondent : Regional Labour Commissioner (Central)-cum-authority and anr.

Advocate for Def. : Vinay Kumar Pathak, Addl. S.C., Central Govt.

Advocate for Pet/Ap. : M.A. Khan, Adv.

Disposition : Writ allowed

Judgement :

ORDER

M.Y. Eqbal, J.

1. Heard the parties.

2. The petitioner has challenged the legality and validity of the order dated 21.5.2001, passed by the Regional Labour Commissioner, Central. Dhanbad, respondent No. 1-cum-authority under the Minimum Wages Act whereby he has held that a sum of Rs. 35,350/- as less payment and compensation is payable by the petitioner to the workmen.

3. It appears that at the instance of the Labour Enforcement Officer, a complaint was made before respondent No. 1 alleging less payment by the petitioner to her workman engaged in the crushing of stone-chips. Respondent No. 1 initiated a proceeding under the Minimum Wages Act and passed the impugned order.

4. Learned counsel appearing for the petitioner has relied upon a decision of the Patna High Court in the case of Binod Kumar v. Union of India, reported in 2000 LLJ (2) 692 and submitted that if there is a case of less payment then the jurisdiction is vested in the authorities under the payment of Wages Act,

5. Mr. B.K. Pathak, learned Standing Counsel has not disputed the jurisdiction of the authority under the Minimum Wages Act to decide a question regarding less payment of wages to the workers.

6. In the facts of the case. I am of the view that the order passed by the respondents exercising power under the Minimum Wages Act is without jurisdiction and the same can not be sustained in law.

7. This writ application is accordingly allowed and the impugned order is set aside.