



\$~18 to 23, 25-26

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

+ **W.P.(C) 11947/2019**

DELHI FACTORY OWNERS' FEDERATION Petitioner

Through: Mr. Harvinder Singh and Ms.Aayushi
Jain, Advocates

versus

LT. GOVERNOR OF NCT OF DELHI AND ORS..... Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.

19

+ **W.P.(C) 12053/2019**

OKHLA CHAMBER OF INDUSTRIES Petitioner

Through: Mr. Harvinder Singh and Ms.Aayushi
Jain, Advocates

versus

LT. GOVERNOR OF NCT OF DELHI AND ORS..... Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.

20

+ **W.P.(C) 12097/2019**

**HOTEL AND RESTAURANT ASSOCIATION OF NORTHERN
INDIA** Petitioner

Through: Mr. Harvinder Singh and
Ms. Aayushi Jain, Advocates



versus

LT. GOVERNOR OF DELHI GOVT. OF NCT OF DELHI AND
ORS. Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.

21

+ **W.P.(C) 12098/2019**

CONNER INSTITUTE OF HEALTHCARE AND RESEARCH
CENTRE PVT. LTD. AND ANR. Petitioners

Through: Mr. Harvinder Singh and
Ms. Aayushi Jain, Advocates

versus

LT. GOVERNOR OF DELHI GOVT. OF NCT OF DELHI AND
ORS. Respondents

Through: Mr. Sameer Vashisht, ASC with
Ms. Sanjana Nangia, Advocate.

22

+ **W.P.(C) 12099/2019**

INDIAN SPINAL INJURIES CENTRE Petitioner

Through: Mr. Harvinder Singh and
Ms. Aayushi Jain, Advocates

versus

LT. GOVERNOR OF DELHI GOVT. OF NCT OF DELHI AND
ORS. Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.



23

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W.P.(C) 12106/2019

ASSOCIATION OF GOLD LOAN COMPANIES

(INDIA)

.... Petitioner

Through: Mr. Harvinder Singh and
Ms. Aayushi Jain, Advocates

versus

LT. GOVERNOR OF DELHI GOVT. OF NCT OF DELHI AND
ORS.

..... Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.

25

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W.P.(C) 12224/2019

THOMSON PRESS (INDIA) LTD.

..... Petitioner

Through: Mr. Harvinder Singh and
Ms. Aayushi Jain, Advocates

versus

LT. GOVERNOR OF DELHI GOVT. OF NCT OF DELHI AND
ORS.

..... Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.

26

+

W.P.(C) 906/2020

AUTOMOBILE TRADERS ASSOCIATION OF DELHI (ATAD)

..... Petitioner

Through: Mr. Vipin Singhanian and Ms.
Shivangini Gupta, Advocates.

versus



LT. GOVERNOR OF DELHI GOVT. OF NCT OF DELHI AND
ANR.

..... Respondents

Through: Mr. Sameer Vashisht, ASC with Ms.
Sanjana Nangia, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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23.01.2023

CM APPLs.48932/2019, 5094/2021 in W.P.(C) 11947/2019

CM APPLs.49367/2019, 5095/2021 in W.P.(C) 12053/2019

CM APPLs.49560/2019, 5109/2021 in W.P.(C) 12097/2019

CM APPL.49566/2019 in W.P.(C) 12098/2019

CM APPLs.49572/2019, 5110/2021 in W.P.(C) 12099/2019

CM APPL.49597/2019 in W.P.(C) 12106/2019

CM APPL.49981/2019 in W.P.(C) 12224/2019

CM APPL.2891/2020 in W.P.(C) 906/2020

Present applications have been filed for interim stay of the notifications dated 22nd October, 2019 and consequent Variable Dearness Allowance order dated 23rd October, 2019 as well as 7th December, 2020.

Learned counsel for the petitioners contends that neither in the proposal for revising the minimum rates of wages nor before the Apex Court did the respondents state that they were in the process of revising the minimum wages of supervisory and clerical staff.

He also submits that the Supreme Court in *Hindustan Sanitaryware and Industries Ltd. & Ors. Vs. The State of Haryana, Civil Appeal No. 2539/2010*, has held that a security inspector / security officer / security supervisor cannot be included in the minimum wage notification.



However, a perusal of the paper book reveals that the proposal for revising the minimum rate of wages annexed as Annexure P-8 to the writ petition clearly mentions the wages of the clerical and supervisory staff as items 4, 5 & 6 of the proposal. Further, in para 8 of the said proposal it was specifically stated that suggestions / views / inputs / comments / representation etc. received from the public shall be placed before the Delhi Minimum Wages Advisory Board for consideration and advise to the appropriate Government in respect of fixing / revising minimum rates of wages for different categories of workers, supervisory and clerical staff.

This Court also finds that in the Supreme Court order dated 14th October, 2019, the proposed minimum wages for clerical and supervisory staff were specifically mentioned. Consequently, the argument that neither the Court nor the petitioners were aware of the proposal to revise the minimum wages of supervisory and clerical staff is contrary to the facts.

Further, the Supreme Court vide its order dated 31st October, 2018 by way of an interim arrangement has fixed the minimum wages of clerical and supervisory staff as per the notification dated 3rd March, 2017 issued by the Government of NCT of Delhi. In fact, the judgment in ***Hindustan Sanitaryware and Industries Ltd. & Ors.*** (supra) refers to a security supervisor and not *per se* to supervisory and clerical staff. Consequently, the argument that Government of NCT of Delhi cannot fix the minimum wages of clerical and supervisory staff under the Minimum Wages Act, 1948 is *prima facie* untenable in law.

Accordingly, this Court is of the view that the impugned notifications fixing the minimum wages and variable dearness allowance for workmen / employee as well as clerical and supervisory staff should be followed by the



petitioners till the disposal of the writ petitions.

It is made clear that challenge to the minimum wages as well as subsequent notifications issued under Section 4 of the Minimum Wages Act, 1948 shall be finally determined at the stage of final hearing. Needless to state that the present interim order shall be abide by final orders to be passed by this Court.

With the aforesaid direction and clarification, the present applications stand dismissed.

W.P(C) 11947/2019

W.P(C) 12053/2019

W.P(C) 12097/2019

W.P(C) 12098/2019

W.P(C) 12099/2019

W.P(C) 12106/2019

W.P(C) 12224/2019

W.P(C) 906/2020

List the matters for hearing and disposal on 1st May, 2023.

The parties are directed to file a common convenience volume at least a week prior to the next date of hearing.

MANMOHAN, J

SAURABH BANERJEE, J

**JANUARY 23, 2023
AS**