

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 3610 of 2024

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BEST SECURITY SERVICES

Versus

REGIONAL LABOUR COMMISSIONER & ORS.

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Appearance:

MR JENIL M SHAH(7840) for the Petitioner(s) No. 1
for the Respondent(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,3,4,5,6,7,8,9

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CORAM:HONOURABLE MRS. JUSTICE MAUNA M. BHATT

Date : 04/03/2024

ORAL ORDER

Heard Mr. Jenil Shah, learned advocate for the petitioner. He submitted that the petitioner is the contractor providing services to respondent No.2 and all the workmen have been paid wages under the provisions of Minimum Wages Act. The challans in this regard has been issued by Principle employer because the payment was made through employer. Over and above, the workmen have been paid payment of additional amount for their work, under the provisions of the Minimum Wages Act and all the workmen have been paid Rs.487/- per day which is more than Rs.466/- claimed by the workmen. The amount paid to the workmen involved cash payment as per their need for which, the principle employer had signed the challans and the workmen had also signed the

challans. Copies of the challans are with the principle employer. Despite that respondent No.1 - Regional Labour Commissioner without going into the merits of the matter directed the petitioner to pay the balance amount. He submitted that as per the settled legal position, this is not an issue were workman have not been paid as per provisions of the Minimum Wages Act but there is a difference in the wages and, therefore, applications preferred under the provisions of the Minimum Wages Act, 1936 would not be applicable but the under the provisions of Payment of Wages Act, 1948 would be applicable.

Considering the submissions, issue **Notice** returnable on **12.04.2024**.

Considering the submission that the petitioner have already been paid the amount as stated in the petition more than the amount which has been claimed as per provisions of the Payment of Minimum Wages Act, ad-interim relief in terms of para 8(b) till next date of hearing.

(MAUNA M. BHATT,J)

NAIR SMITA V.