

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (L) No. 407 of 2024

M/s Elsamex Maintenance Services Limited through its Deputy Manager
Navin Kumar Tiwari **Petitioner**

Versus

The State of Jharkhand & Others **Respondents**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

04/18th March 2024

1. Learned counsel for the petitioner and the respondent Nos. 1 and 2 are present.
2. Learned counsel for the petitioner has submitted that multiple proceedings have been initiated by the private respondents i.e. respondent Nos. 3 to 34, all through Binod Kumar Singh, and the details of the cases have been mentioned in paragraph 10 of the writ petition. The learned counsel has submitted that the proceedings before the respondent No. 2 is not maintainable.
3. The learned counsel submits that non-payment of overtime wages cannot be adjudicated under the provisions of Minimum Wages Act. The same is required to be adjudicated only under the provisions of Payment of Wages Act.
4. The learned counsel further submits that as per the claim petition itself, the payment was being made by the private respondent Nos. 35 and 36 and it is submitted that the respondent No. 37 is the 'special purpose vehicle' to carry out the repair work of the roads in Jharkhand.
5. Issue notice to the respondent Nos. 3 to 34 through the respondent No. 2 before whom the proceeding has been initiated. The requisites for service of notice upon respondent Nos. 3 to 34 be filed before this Court by 21.03.2024 and the petitioner shall provide the copies of the notice to the respondent No. 2 by 03.04.2024. The respondent No. 2 would ensure that the notices are duly served upon the respondent Nos. 3 to 34 who are appearing before the said authority. The service of notice should be accompanied with a copy of the Aadhar Card of the concerned respondents.
6. Let the affidavit regarding service of notice be filed by the respondent No. 2 or his authorized representative before this Court by 30.04.2024.

7. Let notice be also issued to the respondent Nos. 35 to 37 through speed-post as well as by ordinary process for which requisites etc. must be filed by 21.03.2024.
8. Post this case on 01.05.2024 awaiting service report.
9. Till 01.05.2024, further proceedings in connection with M.W. Case No. 13 of 2021 before the respondent No. 2 shall remain stayed.
10. The respondent No. 2 shall also file a counter-affidavit prior to the next date of hearing.

(Anubha Rawat Choudhary, J.)

Mukul