

IN THE HIGH COURT OF JHARKHAND AT RANCHI

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

M/s. Elsamex Maintenance Service Limited, a company registered under the Companies Act, 1956/2013 and having its Head Office at 25th Floor, Gift City, Gandhinagar, P.O. & P.S. Gandhinagar, District Gandhinagar, Gujarat, PIN-382355, through its Deputy Manager, namely, Navin Kumar Tiwari, aged about 31 years, son of Arun Kumar Tiwari, resident of 443/A Road No. 05, Ashok Nagar, P.O.& P.S. Argora, District Ranchi, PIN-834002.

... ... Petitioner(s)

Versus

1. The State of Jharkhand
2. The Assistant Labour Commissioner-cum-Authority under Minimum Wages Act, 1948, Department of Labour, Employment & Training, Government of Jharkhand, Shram Bhawan, P.O. & P.S. Doranda, Ranchi, PIN-834002.
3. Binod Singh, Son of Shri Jwala Prasad Singh.
4. Rahul Kumar, Son of Shri Ram Chandra Sharma.
5. Amandip Singh, Son of Balbir Singh Dhami.
6. Bal Krishan Mondal, Son of Laxman Mondal.
7. Birendar Kumar Sinha, Son of Ganga Prasad Sinha.
8. Devendra Kumar, Son of Bhola Prasad Yadav.
9. Jaleshwar Mahto, Son of Munshi Mahto.
10. Kuldeep Kumar, Son of Ludheshwar Ram.
11. Mukesh Kumar Mahto, Son of Baleshwar Mahto.
12. Nirmal Kumar Sahoo, Son of Raghunath Sahoo.
13. Prakash Mahto, Son of Ram Keshvar Mahto.
14. Rahul Kumar, Son of Ram Chandra Sharma.
15. Roshan Jamir, Son of Sabir Ansari.
16. Sandip Mahto, Son of Munshi Mahto.
17. Shekh Sakir, Son of Shekh Makbul.
18. Umesh Kumar Turi, Son of Chandranath Turi.
19. Upendra Mahto, Son of Thupo Mahato.
20. Virendra Kumar Mahto, Son of Kedar Nath MAHTO.
21. Zulfan Ansari, Son of Md. Alam Ansari.
22. Akramul Haque, Son of Md. Sayeed.
23. Bhikha Oraon, Son of Late Shanichariya Oraon.

24. Binod Singh, Son of Jwala Prasad Singh.
25. Niyar Kirumbarala, Son of Manbahal Barla.
26. Sanjay Kachhap, Son of Chega Kchhap.
27. Sanjay Tiwari, Son of Bipin Tiwari.
28. Sanjeev Kachhap, Son of Daswa Oraon.
29. Santosh Kr. Bharti, Son of Puneshwar Bharti.
30. Somra Oraon, Son of Budhu Mahli.
31. Sumra Mahli, Son of Budhu Mahli.
32. Sunil Kumar, Son of Suresh Prasad Soni.
33. Vikash Kumar Singh, Son of Anugrahnarayan Singh.
34. Deepak Kumar, Son of Dilip Mahto.

Respondents No. 3 to 34 are residents of and carrying on their activities at Kamre Ashram, P.O. & P.S. Ratu, Dwarkapuri, Ratu Road, District Ranchi, PIN-835222, Jharkhand.

... RESPONDENTS

35. Proprietor, M/s. Quality Engineers & Traders, Plot No. 30, Phase 4-A, Maiti Nagar, Bhilai, Durg, P.O. & P.S. Durg, District Durg, Chhattisgarh, PIN-490006.
36. Director/Proprietor M/s. Shiva Protection Force Private Limited, RC Sahu Complex, 3rd Floor, Main Road, Hinoo, P.O. & P.S. Doranda, District Ranchi, PIN-834002.
37. Managing Director, Jharkhand Accelerated Road Development Company Limited, Shanti Smriti, House No. 443/A, Road No. 5, Ashok Nagar, P.O. & P.S. Argora, District Ranchi, Pin-834002, Jharkhand.

... ... PROFORMA RESPONDENTS

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s)	: Mr. Nipun Bakshi, Advocate Mr. Shubham Sinha, Advocate Mr. Mrinal Singh, Advocate
For the Respondent(s)	: Mr. N. K. P. Sinha, Advocate Md. Salahuddin Ansari, Advocate Mr. Deepak Kumar Prasad, Advocate Mr. Ashwini Bhushan, AC to Sr. SC-II

Order No. 13 /Dated: 30th October 2025

The instant writ application has been filed by the petitioner for the following reliefs:

“(i) Issue appropriate writ, rule or direction for quashing of the entire

proceedings and the Claim Case registered by the learned Respondent No. 2 as M.W. Case No. 13 of 2021(Annexure-1) before the said Respondent No. 2, namely, the Assistant Labour Commissioner, Government of Jharkhand, Ranchi (i) for reason of being tainted with admitted forgery of signatures and fabrication of claims; (ii) for reasons of its being hopelessly barred by limitation of over nine years purportedly for overtime wages; (iii) that it is a totally bogus case and the named Claimants/Respondents have never been employed by the Petitioner at any point of time.

(ii) For issuance of a Writ of Certiorari for quashing of the order dated 07.07.2023 [Annexure-8], whereby the delay of nine years has been condoned by the learned Authority (Respondent No. 02) by not even correctly taking into consideration the period of delay and, in fact, by misreading the application for condonation of delay and the period of claim from the last day of the period of claim instead of from the time of commencement of the period of claim and by holding that since the delay was only for about six months, the same was being condoned.

(iii) For issuance of a Writ of Prohibition, whereby the Respondents No. 2 and 3 in particular and the other Respondents in general may be prohibited from filing one case after another in rapid succession to harass and to browbeat the Petitioner-Company and bring about multiplicity of proceedings in an absolutely clear abuse of the process of law.

(iv) For any other relief(s) to which the Petitioner may be found entitled in law, may be granted.

(v) Pending hearing and disposal of the instant writ petition, this Hon'ble Court may stay further proceedings in M.W. Case No. 13/2021 presently pending before the Assistant Labour Commissioner (Respondent no. 02)."

2. At the outset, learned counsel for the Petitioner submits that from Annexure-1 to the writ application it is clear that the Respondents have initiated a claim under Minimum Wages Act being M.W. Case No. 13 of 2021 which is without jurisdiction in view of the fact that the law has now been well settled that under Minimum Wages Act, there has to be dispute with regard to rate of wages and not with regard to non-payment of any wages and since the Respondents have disputed non-payment of wages; as such they should not have filed the case under Minimum Wages Act, 1948. As such, learned counsel for the petitioner submits that the entire proceeding and the claim case registered by the 2nd Respondent as M.W. Case No. 13 of 2021 (Annexure-1) which is pending before the 2nd Respondent be quashed and set aside. He further relies upon the judgment passed by the Hon'ble Apex Court in the case of **"Steel Authority of India Limited and Anr. v. Jaggu & Ors."**¹

3. In reply to the aforesaid contention, learned counsel for the

¹ (2019) 7 SCC 658

workman initially submits that the writ application is pre-mature; however, after some argument he prayed liberty from this Court to file proper application under the Payment of Wages Act before the appropriate authority. He submits that this case may be disposed of by giving liberty to the workman to file proper application.

4. Having heard Ld. Counsel for the rival parties and after going through the documents and also the facts indicated in the writ application, it is evident that the dispute relates to non-payment of wages and not with regard to rate of wages which has also been admitted by the workman. In ***“Steel Authority of India Limited”*** (*supra*) the Hon’ble Apex Court has already held that any petition with regard to non-payment of wages would lie under Payment of Wages Act and under Minimum Wages Act it will only deal with regard to rate of wages.

5. Having regard to the aforesaid discussions, the instant writ application is allowed and the claim case registered before the 2nd Respondent being M.W. Case No. 13 of 2021 (Annexure-1) pending before the Assistant Labour Commissioner, Government of Jharkhand, is hereby, quashed and set-aside.

6. It goes without saying that this Court has not gone into merits of the Case. It is also clarified that if at all any application is preferred by the workman under Payment of Wages Act, the rival parties would be free to take all grounds and the concerned Court would decide the case in accordance with law.

(Deepak Roshan, J.)

30th October 2025

Amit

Uploaded on 14/11/2025