

22.05.2026
Item no. 07
Court no. 30
g.b.
266012

WPA 11541 of 2026

**M/S. S & IB Services Pvt. Ltd.
Vs.
Union of India & Ors.**

Mr. Soumya Majumder, Sr. Advocate
Mr. Amarta Ghose
Mr. Souryadeep Ghosh
..... For the Petitioner

Mr. Raj Kumar Gaurisaria
Mr. Goutam Dinda
Ms. Debangana De
.....For the Union of India

Mr. Debashis Saha
Mr. Avirup Ray Sanyal
Miss Sucheta Pal
Mr. Jyotishman Sarkar
....For the State Bank of India

1. Affidavit of service filed be kept with the record.
2. The writ application has been preferred challenging an order dated 16th March, 2026 passed by the Authority under Minimum Wages Act, 1948 and Regional Labour Commissioner (Central) Asansol in Claim Application No. MW-11 of 2025 under Section 20(3) of the Minimum Wages Act, 1948.
3. Learned senior counsel Mr. Majumder appearing for the petitioner on placing the impugned order has brought the notice of the Court to the fact that the Authority concerned in total disregard and wrong interpretation of the Judgement of Calcutta

High Court passed in **WP 9628 (W) 2018 (HDFC Bank Vs. Union of India & Ors.)** dated 22.01.2019 came to the erroneous findings that the said judgement is not applicable to the State Bank of India on the ground that the judgement relied upon was in respect of HDFC Bank which is a private bank. The Authority concerned held that the Central minimum wages shall be applicable in respect of the workers of the petitioner/contractor who has been engaged by the respondent no.5/State Bank of India.

4. Learned counsel appearing for the respondent no.5/State Bank of India has very fairly admitted that payments made by the bank to the petitioner herein are as per the State minimum wages issued by the Labour Department, Government of West Bengal, in view of the fact that the same is applicable in respect of the petitioner/contractor for whom the appropriate authority is the State Government company.
5. From final records of the Reserve Bank of India it appears that the RBI has identified the HDFC Bank, State Bank of India and ICIC Bank as domestic systematically important banks though the constitution of the two banks are different but the principle as laid down in HDFC Bank Ltd. (supra) relates to the applicability of the Minimum

Wages Act by the appropriate Government. In the said judgement the High Court categorically decided that the minimum wages, as declared by the State Government, would be applicable in respect of contractor. In the present case admittedly the petitioner is a contractor. The Court finally held as follows:

“It will appear from above submissions that there is no dispute raised regarding workmen being employees of contractor. Contractor, it appears, has caused downward revision in pay in line with making applicable minimum wages payable at State rate, being below Central rate. This was effected in tandem, on the Bank having so reduced. However, so far as the dispute is concerned it is between workmen-employees against their employer, contractor. Contractor, it has been successfully demonstrated, comes under sub-clause (ii), clause (b) of section 2 of Minimum Wages Act, 1948. Facts in this case are similar to facts in case decided by order dated 3rd August, 2011 by a learned Single Judge of this Court in WP 4895 (W) of 2011 [Susanta Naskar vs. Union of India], as relied upon by Mr. Sengupta.

In facts and circumstances aforesaid, this Court finds appropriate Government in relation to contractor, against whom dispute can be raised by workmen, is State Government. Aggrieved workmen must approach State Government for redressal, whether initially by conciliation or straightway reference of apprehended

dispute. Petitioners are entitled to declaration that they are not obliged to attend conciliation proceedings initiated by Central Government.”

6. As such it appears that the petitioner has made out an arguable case in the present writ application and as such the same calls for a stay of the impugned order.
7. Let the order dated 16th March, 2026 passed by the Authority under Minimum Wages Act, 1948 and Regional Labour Commissioner (Central) Asansol in Claim Application No. MW-11 of 2025 under Section 20(3) of the Minimum Wages Act, 1948 be stayed till 19th of August, 2026 or until further order, whichever is earlier.
8. The matter be listed in the monthly list of July, 2026.

(Shampa Dutt (Paul), J.)