

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 11355 OF 2013

SUPERINTENDING ENGINEER,
PHED, SIKAR & ORS

APPELLANT(S)

VERSUS

PRAHLAD RAY & ORS.

RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 11356 OF 2013

CIVIL APPEAL NO(S). 11357 OF 2013

CIVIL APPEAL NO(S). 11358 OF 2013

CIVIL APPEAL NO(S). 11359 OF 2013

CIVIL APPEAL NO(S). 11360 OF 2013

CIVIL APPEAL NO(S). 11361 OF 2013

CIVIL APPEAL NO(S). 11362 OF 2013

CIVIL APPEAL NO(S). 11363 OF 2013

CIVIL APPEAL NO(S). 11364 OF 2013

CIVIL APPEAL NO(S). 11365-11366 OF 2013

O R D E R

Civil Appeal No(s). 11355, 11356, 11357, 11358, 11359, 11360, 11361, 11362 11363 and 11364 OF 2013

The challenge in this group of appeals is against a common order passed by the High Court of Rajasthan dismissing the Letters Patent Appeals filed by the Public Health and

Engineering Department of the State Government. The Letters Patent Appeals filed by the State sought to challenge an order of the learned Single Judge of the High Court upholding the order of the authority under the Minimum Wages Act by which the Public Health and Engineering Department of the State and the concerned Gram Panchayat has been made jointly and severally liable to pay the amount due to the concerned employees (Pump Operators) as per the provisions of Minimum Wages Act, 1948.

The Scheme-Gramin Janta Jal Yojna under which the respondents were appointed was floated by the State Government and the implementation thereof was entrusted to the concerned Gram Panchayat. Under the Scheme, according to the appellants, contribution of funds to be provided by the State for the employees is only Rs.500/- per month and the rest of the expenditure is to be borne by the Gram Panchayat(s). It is on the aforesaid basis that the order granting minimum wage holding the Department jointly and severally

liable to pay the minimum wages has been challenged.

The Scheme in question was introduced and implemented for ensuring safe drinking water for the residents of the concerned villages. The Scheme itself was floated by the Government and the funds for implementation of the Scheme are to be paid by the State Government. If that be so, it is difficult to understand as to why the State alongwith Gram Panchayat cannot be held jointly and severally liable to pay the amount.

If at all such a situation, namely, the question of apportionment of funds arise, the same can also be dealt with by suitable adjustments made in the amounts allocated/to be allocated by the State to the Panchayats. However, that would not be a sufficient basis to find fault with the order of the primary authority or in the order of learned Single Judge which has been upheld by the Division Bench of the High Court. We, therefore, find no merit in any of these appeals. The appeals filed by the State are consequently dismissed.

C.A. Nos. 11365-11366 OF 2013

The appeals are disposed of in terms of the order passed in the Civil Appeal Nos. 11355 of 2013 and connected matters. However, we make it clear that payments made pursuant to the order of the primary authority shall not be recovered.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

.....,J.
(UDAY UMESH LALIT)

NEW DELHI
SEPTEMBER 21, 2016

ITEM NO.105

COURT NO.6

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SCivil Appeal No(s). 11355 OF 2013

SUPERINTENDING ENGINEER, PHED, SIKAR & ORS

Appellant(s)

VERSUS

PRAHLAD RAY & ORS.

Respondent(s)

(with appln. (s) for impleadment and directions and permission to file additional documents and exemption from filing O.T. and interim relief and office report)

WITH

C.A. No. 11356 OF 2013

(With Office Report)

C.A. No. 11357 OF 2013

(With Office Report)

C.A. No. 11358 OF 2013

(With Office Report)

C.A. No. 11359 OF 2013

(With Office Report)

C.A. No. 11360 OF 2013

(With Office Report)

C.A. No. 11361 OF 2013

(With Office Report)

C.A. No. 11362 OF 2013

(With Office Report)

C.A. No. 11363 OF 2013

(With Office Report)

C.A. No. 11364 OF 2013

(With Office Report)

C.A. No. 11365-11366 OF 2013

(With Office Report)

Date : 21/09/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. S.S. Shamsbery, Adv.
Mr. Amit Sharma, Adv.
Mr. Prateek Yadav, Adv.
Mr. Ankit Raj, Adv.
Ms. Ruchi Kohli, Adv.

Mr. Sarad Kumar Singhania, Adv.

For Respondent(s) Mr. Sidharth Dave, Adv.
Mr. H.D. Thanvi, Adv.
Mr. Rishi Matoliya, Adv.
Mr. Balkishan Ladhania, Adv.

Mr. Sarad Kumar Singhania, Adv.

Dr. Kailash Chand, Adv.

UPON hearing the counsel the Court made the following
O R D E R

C.A.No(s). 11355, 11356, 11357, 11358, 11359, 11360,
11361, 11362 11363 and 11364 OF 2013

The appeals are dismissed in terms of the signed order.

As a sequel to the above, all pending interlocutory applications are disposed of.

C.A. Nos. 11365-11366 OF 2013

The appeals are disposed of in terms of the signed order.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master

(Signed order is placed on the file.)