

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 7828/1996

MGT. of Nizam Sugar Factory .. Appellant (s)

Vs.

The Authority & Ors. .. Respondent(s)

(With appln. for substitution and c/delay in filing
substitution appln. and office report)

DATE : 23.11.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE S.N. PHUKAN

For Appellant (s) : Mr. A. Subba Rao, Adv.

For Respondent (s) : Mr. P. Venket Reddy, Adv.
Mr. N. Sudhakaran, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J
.SP2

Substitution allowed.
Appeal is dismissed in terms of the signed order.

.SP1

(Meenu Sethi)
Court aster

(Radha Rani Bhatia)
Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7828 OF 1996

MGT. of Nizam Sugar Factory .. Appellant

Vs.

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An application was filed by the contesting respondents under Section 20 of the Minimum Wages Act claiming that they are employed on the establishment of the appellant and they performed the duty of watchmen and claimed the wages as per the notification issued under the Minimum Wages Act.

The Authority constituted under the Act examined the matter and after considering the evidence adduced before it, both oral and documentary, came to the conclusion that the contesting respondents are the employees of the appellant's establishment and are entitled to the minimum wages and other benefits arising under the Act and passed an order to that effect. This order was challenged by way of a writ petition in the High Court and the learned single Judge allowed the writ petition. Thereafter, the matter was carried in Appeal to the Division Bench and the Division Bench allowed the

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appeal and set aside the order passed by the Single Judge Hence this appeal by special leave.

The contention putforth before us is that the contesting respondents are not the employees of the appellant inasmuch as there is a separate agreement entered into with each of them by the appellant at the time the land is prepared lfor plantation of sugar cane. By virtue of the agreement such Respondent undertakes to watch the standing crop allotted from straying cattle, wild beasts etc. He will be responsible for engagement of other labourers and the appellant will pay a fixed amount. The authority after looking into the evidence adduced before it came to conclusion that though the employees are described as contract watchmen they are in fact employees of the appellant and they work under the direct supervision and control of the appellant. The contention that the work done by the respondents is merely to supervise the land allotted to them with a view to prevent any damage to the crop and were not engaged in any physical or manual work was also considered and held by the Authority that the work done by the respondents is one of un-skilled and manual labour and not supervisory in nature.

In view of these findings of fact recorded by the Minimum Wages Authority and as affirmed by the Division Bench

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of the High Court, we do not think there is any good reason to interfere with the same. The appeal is dismissed accordingly.

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(S. RAJENDRA BABU)@@
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.....J@@
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(D.P. MOHAPATRA)@@
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.....J
(S.N. PHUKAN)

New Delhi,@@
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November 23, 2000.