

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**WRIT PETITION No.13847 of 2001**

Date : 27.09.2012

Between :

M/s.Balaji Kirana & General Stores, New  
Nallakunta, Hyderabad, rep. by its  
Proprietor.

.....Petitioner

And

The Authority under Minimum Wages Act, 1948-cum-  
Labour Officer, Hyderabad & another.

.....Respondents

**HON'BLE SRI JUSTICE R. SUBHASH REDDY**

**WRIT PETITION No.13847 of 2001**

**ORDER :**

This writ petition is filed, aggrieved by the order dated 17<sup>th</sup> March 2001, passed in M.W.No.1/98 by the Authority appointed under Section 20 of the Minimum Wages Act, 1948-cum-The Labour Officer, Hyderabad-II.

The 2<sup>nd</sup> respondent herein has filed an application under Section 20(2) of the Minimum Wages Act, 1948, claiming an amount of Rs.72,898/-. It was his case before the Authority below that he worked with petitioner as a Weighman from January 1988 to 17<sup>th</sup> August 1998, on which date, he was removed from service. It is stated that during his service, he was not paid the minimum notified wages and also dearness allowance as per the notified rates in G.O.Ms.No.33, dated 06.03.1991. The 2<sup>nd</sup> respondent has claimed the differential wages for the period from 22.04.1991 to 17.08.1998. He has also claimed wages towards over-time work done by him during the aforesaid period and a further amount of Rs.2,517/- on account of leaves and holidays for the period from 1992 to 1998. Though the claim was on three counts, the Authority below has ordered for payment of an amount of Rs.17,724/- towards differential wages, by recording a finding that during his period of work from

22.04.1991 to 17.08.1998, the 2<sup>nd</sup> respondent was not paid the notified minimum wages including the W.D.A, and ordered for payment of said amount of Rs.17,724/- under Section 20 of the Act.

At the time of admission, this Court granted interim order, on condition of depositing of an amount of Rs.10,000/- and permitted the 2<sup>nd</sup> respondent to withdraw the same without furnishing any security.

In this writ petition, it is argued by the learned counsel for petitioner that as per Section 20 of the Minimum Wages Act, 1948, the application was to be filed within a period of six months from the date on which minimum wages are payable and there is no sufficient cause to entertain the application belatedly and allowing the claim of 2<sup>nd</sup> respondent for an amount of Rs.17,724/-.

Having heard the learned counsel for petitioner, I have also perused the order passed by the Tribunal. In the application filed before the Authority under the Act, the 2<sup>nd</sup> respondent has filed an affidavit stating that after he was removed from service, when he approached his counsel, he had come to know about the minimum wages notified by the respondents, and having found that he was not paid such minimum wages for his work, he filed the said application. Accepting such averment made in the affidavit, the Authority below has condoned the delay and considered the claim on merits. A perusal of 2<sup>nd</sup> proviso

to Section 20 of the Minimum Wages Act shows that it empowers the authority to admit the application after the expiry of the notified period of six months when the applicant satisfies the authority that he had sufficient cause for not making the application within such period. In view of the reasons recorded in the impugned order, this Court is convinced that sufficient cause is shown for not filing the application in time and good reasons are recorded by the Tribunal for condoning the delay. In view of the fact that it is a beneficial legislation to the workers and when minimum wages are not paid for the work done by the 2<sup>nd</sup> respondent, I do not find any illegality in the impugned order, by which, the claim of 2<sup>nd</sup> respondent was allowed only on account of differential wages for Rs.17,724/- as against the claim for Rs.72,898/-. As much as the petitioner has already deposited an amount of Rs.10,000/-, he is granted two months time for depositing the remaining amount, and if such amount is deposited,

it is open for the 2<sup>nd</sup> respondent to withdraw the same without furnishing any security. If the petitioner fails to deposit such amount, it is open for the 2<sup>nd</sup> respondent to take steps for executing the order passed in M.W.No.1/98.

Subject to the above directions, the writ petition is dismissed. No costs.

As a sequel, WPMP.No.17309 of 2001 stands closed.

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**R. SUBHASH REDDY,  
J**

27<sup>th</sup> September 2012

ajr