

(1994) 11 P&H CK 0051

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No's. 5691, 5692 and 5877 of 1994 and C.M. No. 10173 of 1994

Army School

APPELLANT

Vs

Inderjeet Singh and Another

RESPONDENT

Date of Decision : 15-11-1994

Acts Referred:

Minimum Wages Act, 1948 — Section 2, 20

Citation : (1996) 3 LLJ 1110 : (1995) 109 PLR 211

Hon'ble Judges : K.S. Kumaran, J; Ashok Bhan, J

Bench : Division Bench

Advocate : Gurdip Singh and Chanderdeep Singh, for the Appellant; Lt. Col. Ajit Singh, for the Respondent

Final Decision : Allowed

Judgement

1. This order shall dispose of Cml Writ Petitions Nos. 5691 of 1994, 5877 of 1994 and 5692 of 1994. The facts are being taken from Civil Writ Petition No. 5691 of 1994.

2. Respondent No. 2, Smt. Pali Devt. who was an ex-employee of the management-petitioner filed an application u/s 20 of the Minimum Wages Act, 1948, against difference in the minimum wages and the wages paid to her. This application was allowed by the authority under the Act, vide impugned order, annexure P-5, dated February 28, 1994. The management, being aggrieved, has filed this writ petition.

3. Learned counsel appearing for the petitioner has argued that Smt. Pali Devi was no longer in employment and, therefore, her application u/s 20 of the Minimum Wages Act was not maintainable. Reliance has been placed upon a Division Bench judgment of this court in Municipal Committee. Raikot v. Sham Lal Kaura 1965 28 FJR 472, wherein it has been held as under :

"Having regard to the object and scope of the Minimum Wages Act, 1948, and its

material provisions, the word "employee" defined in Section 2(i) of the Act does not include an ex-employee. Therefore, only a person who is in the actual employment of the employer at the time of making an application against the employer u/s 20 of the Act is entitled to make the application."

4. This judgment was later followed by a single Bench of this court in Mahiya v. State of Haryana 1982 1 SLR 26. Learned counsel appearing for the respondent cited some contrary judgments of some other courts, taking a different view. Since there is a binding precedent of this court, we respectfully follow the same and accept the writ petition and set aside the order, annexure P-5, passed by the authorities under the Act. No order as to costs.

5. We, however, refrain from deciding the application for amendment and dismiss the same as infructuous since we have quashed the impugned order.