
(1966) 04 CAL CK 0028
In the Calcutta High Court
Case No : A.F.O.O. No. 242 of 1962

Asansol Bus Association

APPELLANT

Vs

Asst. Labour Commissioner and Others

RESPONDENT

Date of Decision : 27-04-1966

Acts Referred:

Minimum Wages Act, 1948 — Section 27, 3

Citation : AIR 1967 Cal 371 : (1968) 1 LLJ 229

Hon'ble Judges : D.N. Sinha, C.J.; A.K. Mukherjea, J

Bench : Division Bench

Advocate : P.K. Banerjee, for the Appellant; N.C. Chakravarti, for the Respondent

Final Decision : Dismissed

Judgement

Sinha, C.J.—This is an appeal against an order of Banerjee, J. dated the 22nd May, 1962 by which he summarily rejected the application and refused to issue a Rule.

2. The facts are shortly as follows :

3. The appellant before us is the Asansol Bus Association, a body corporate incorporated u/s 28 of the Indian Companies Act. It represents persons in Asansol carrying on business of running motor buses, taxi-cabs etc. It is stated that the Association has been authorised by the Regional Transport Authority, Burdwan, to prepare a time-table for the smooth running of the buses in or about Asansol. The timetable prepared by the Association is approved by the Regional Transport Authority before it is given effect to. The Association has also been authorised by the Regional Transport Authority to appoint time-keepers for the purpose of noting whether the buses arrive and depart in all stages, according to the time-table prepared by the Association and approved by the Regional Transport Authority as aforesaid. It is said that according to the direction given by the Regional Transport Authority, these time-keepers, although appointed by the Association and paid from its own funds are, in fact, agents of

the Regional Transport Authority. On or about the 9th April, 1962 the Association received a requisition from the Assistant Labour Commissioner, Asansol, directing them to pay minimum wages as fixed by the proper authorities to the time-keepers. In this application the said order is challenged. The order is based on the notification issued by the Government of West Bengal No. 4068-lw/7w-57/58 dated 14th July, 1959 published in the Calcutta Gazette dated 6th August, 1959 whereby it has been directed, that minimum rates of wages as stated in the Schedule was to be paid to "the employees employed in the public motor transport in West Bengal".

4. What is argued is the these timekeepers were agents of the Regional Transport Authority and are not employees employed in the public motor transport of West Bengal. Mr. Banerjee has relied on a Supreme Court decision in *Madhya Pradesh Mineral Industry Association Vs. The Regional Labour Commissioner Jabalpur and Others*, . In that case, a certain notification was issued by the State Government pursuant to authority given by the Central Government, whereby minimum wages were to be paid for the breaking and crushing of stones in Manganese mining operation. It was held that the breaking and crushing of stone was not the same as manganese mining operation and, therefore, the notification fixing the minimum wages to employees connected therewith was not valid. It is obvious that every case depends on its own facts for the purpose of determining whether it comes within the scope or ambit of the Minimum Wages Act. It is not disputed that employment in public motor transport comes within the said Act. But it is said that a time-keeper engaged by the Association was not employed in the public motor transport. I fail to see in that case what they are employed in. The said notification does not mention the employer but speaks of employees "employed in public motor transport in West Bengal". Public motor transport must refer to the entire operation connected with the motor transport business. What is the criterion by which we can decide as to who is employed in public motor transport in West Bengal one who is not? If we take too strict a view, there possibly nobody excepting the drivers of the vehicles would come within its scope or meaning. But even in the Supreme Court decision mentioned above, it has been generally recognised that Statutes like the Minimum Wages Act should be given a beneficial interpretation, because such Acts are meant for the social welfare of the mass. Giving the words a beneficial construction, I fail to see how a person employed to check the timings of vehicles used in public transport, for which they are paid wages, can be called anything else than employed in public motor transport as mentioned in the Act and the notification. That being so, the Rule has been rightly refused.

5. The appeal is accordingly dismissed. There will be no order as to costs.

6. Let the notification which is produced in Court today in obedience to the subpoena issued by this Court be kept on the record.