

(2016) 01 KAR CK 0074

In the Karnataka High Court

Case No : Writ Petition Nos. 47387 to 47408 of 2015 (L-REs)

C.B. Purushothamma and Others

APPELLANT

Vs

State of Karnataka and Others

RESPONDENT

Date of Decision : 06-01-2016

Acts Referred:

Citation : (2016) 148 FLR 1103 : (2016) LabLR 484

Hon'ble Judges : A.S. Bopanna, J.

Bench : Single Bench

Advocate : Srinivas V., for the Appellant; T.S. Mahantesh, A.G.A. and H.C. Shivaramu, for the Respondent

Final Decision : Disposed off

Judgement

A.S. Bopanna, J.—1. The petitioners are before this Court seeking for issue of mandamus to consider the representation of the petitioner dated 26.8.2015 as at Annexure-G to the petition and to abolish the Contract Labour System as provided under the Contract Labour (Regulation and Abolition) Act, 1970. The petitioners claim that they are working as Contract Labourers in various departments of Srirangapatna Town Municipal Council viz., Water supply, Driver and Drain Water Cleaning Department etc. The case of the petitioners is that the persons who are similarly working in other establishments are being paid higher wages, while the petitioners are being paid lesser wages and therefore the petitioners have sought for equal remuneration. In that regard, the petitioners were before this Court in an earlier petition in W.P. Nos. 55806-827/2014. This Court while disposing of the petitions on 8.12.2014 while not accepting the contention of the petitioners to seek regularization, a direction had however been issued to consider the request of the petitioners with regard to the abolition of Contract Labour as had been sought. The grievance of the petitioners is that despite the same, no action has been taken by the respondents. The representation dated 26.8.2015 at Annexure-G has also been made by the petitioners to the fourth respondent. The petitioners therefore seek that an

appropriate direction be issued to consider the representation.

2. Having taken note of the contention put forth on behalf of the petitioners, though an indication is provided through Annexure-K series with regard to the minimum wages that is being paid in respect of the different categories as has been stated therein, there are no details as to whether the representation as made by the petitioners has been considered in accordance with law.

3. Be that as it may, when the petitioners are seeking that appropriate wages be paid in similar terms as is being paid to the persons discharging the duties of similar nature in other establishments, it is an aspect where a factual determination is required to be made by respondents No. 3 and 4 and thereafter come to the conclusion as to whether the request as made by the petitioners is required to be accepted and the nature of order that is required is to be passed by them. If in that light, the representation as at Annexure-G is taken note, it is seen that the same does not provide much details so as to enable the respondents No. 3 and 4 to take decision in the matter.

4. In that view, the appropriate course would be to permit the petitioners to file a detailed representation bringing to the notice of respondents No. 3 and 4 all aspects of the matter and claiming the relief in definite terms. Therefore, it is necessary that an appropriable representation be made. On such representation being made by the petitioners, the fourth respondent at the first instance shall take note of all materials relating to the relief that is being sought by the petitioners and place the same before the third respondent and thereupon a decision shall be taken and the same shall be conveyed to the petitioners. To enable consideration of the same in an appropriate manner, the petitioners shall submit the representation to respondents No. 3 and 4 within four weeks from the date of receipt of a copy of this order. The fourth respondent shall take note of all materials and place it before the third respondent for consideration within a period of six weeks from the date on which and the representation is made by the petitioners. The third as well as the fourth respondent shall thereupon take a decision and convey the same to the petitioners in an expeditious manner, but in any event not later than four months from the date on which the representation is submitted.

In terms of the above, the petitions stand disposed of.