

(1988) 09 AP CK 0007

In the Andhra Pradesh High Court

Case No : Writ Petition No's. 8526, 8527 and 8528 of 1985

Divisional Manager, A.P. Forest Development Corporation Ltd.

APPELLANT

Vs

Assistant Labour Officer and Another

RESPONDENT

Date of Decision : 12-09-1988

Acts Referred:

Citation : (1999) 3 LLJ 416

Hon'ble Judges : K. Ramaswamy, J

Bench : Single Bench

Advocate : S. Venkata Reddy, for the Appellant; Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

K. Ramaswamy, J.—Petitioner is A.P. Forest Development Corporation Limited. It is assailing in these three writ petitions the validity of the order passed by the authority under the Minimum Wages Act, 1948 (Act 2 of 1948) (for short "the Act") declaring that the workmen are the ministries within the meaning of Item 14 of the categories mentioned in G.O.Ms. No. 320 dated December 27, 1983 to whom the minimum wages are Rs. 15-00, Rs. 18-70, Rs. 17-00 and Rs. 15-00 in Zones I, II, III and IV respectively. The petitioner's claim is that the workmen are only mazdoor-watchmen and not maistries. The authorities have committed a grievous error in arriving at the finding that the respondents are maistries.

2. Though an opportunity has been given to the petitioner-Corporation, no evidence have been adduced to substantiate their contention that the respondent-workmen are only mazdoor-watchmen but not maistries. On the other hand, oral and documentary evidence have been adduced on behalf of the workmen and the authorities have recorded as a fact that the respondent-workmen are only maistries but not mazdoor-watchmen. This is a finding of fact based on appreciation of evidence. Therefore, I do not find any illegality in the finding recorded in this regard.

3. It is next contended that though G.O.Ms. No. 320 dated December 27, 1983 would apply only to the Forestry and Timbering operations, there have been enumerated in the G.O. the various operations, but there is no specific enumeration as to Cashewnut plantations raised in the forest area, though notified under the Forest Act. The authorities have relied upon Note 3 of the Notes appended to the G.O. That would be applicable only to the categories of employees employed in the respective categories enumerated in the G.O. Since there is no specific enumeration, the G.O. does not apply."

4. On a casual reading, the argument of Sri S. Venkata Reddy, the learned counsel for the petitioner-Corporation appears to be plausible, but I find it difficult to accept his contention on deeper probe. The words "Forestry and Timbering operations" have been expressly defined. In Concise Oxford Dictionary at Page 384 the word "Forestry" has been defined thus :

"Wooded country, forests; science or art of managing forests",

Therefore, when the plantations have been grouped within the notified forest area, the management thereof, would come within the meaning of the word "forestry". Therefore, the plantations of the Cashewnut also would come within the meaning of the word "forestry". "Forestry" includes science of planting and developing forests. Admittedly, Cashewnut plantations have been raised by the respondent-workmen within the notified forest area. Items 42 to 47 in G.O.Ms. No.320 enumerate the various operations of forestry namely, maintenance of Red Sander Plantation, raising Eucalyptus plantation, raising Agave plantation, raising Tamarind plantation, raising Babul plantation, raising Avenue Canal Bank plantation etc. Note 3 in the G.O. reads thus:--

"If any "categories" employed in the employment are left out they shall not be paid less than the minimum wages fixed for a similar category of worker".

The word "categories" and the word "category" of workers would in my view give an indication that the categories of plantations expressly enumerated in the order are not found but in fact if the worker or the workmen employed were receiving less than the minimum wages certainly they would also come within the meaning of the words "Forestry and Timbering operations" as enumerated in the order itself. The Minimum Wages Act, 1948, is a welfare legislation. It is well settled that the words or the language employed therein has to be construed broadly so as to give effect to the provisions of the Act. It is in consonance with the directive principles laid down under Articles 38 and 39 of the Constitution of India to give adequate security of service to the workmen and also to pay equal wages for the persons employed or employable in a particular category of industry or employment. The G.O. Ms. No. 320 itself enumerates the various plantations which are raised to which the workmen are employed as Cashewnut plantation maistries but since they have not been enumerated they would come within the meaning of categories mentioned in Note 3 and the maistries employed therein would come within the similar category of workers namely

maistries employed in the industry or employment. Accordingly, they are also entitled to the payment of wages as prescribed in G.O. Ms. No. 320 dated December 27, 1983. Accordingly, I find that the finding recorded in this regard by the appellate authority is clearly sustainable.

5. The writ petitions are accordingly dismissed but in the circumstances without costs. Advocate's fee Rs. 350/- in each.