

(2010) 10 BOM CK 0119
In the Bombay High Court
Case No : Writ Petition No. 437 of 2010

Mhalsa Services

APPELLANT

Vs

The Authority under the Minimum Wages Act, 1948 and
Regional Labour Commissioner (C), The Labour Enforcement
Officer (C), Government of India and The Chairman and
Managing Director, Goa Shipyard Ltd.

RESPONDENT

Date of Decision : 13-10-2010

Acts Referred:

Citation : (2010) 10 BOM CK 0119

Hon'ble Judges : A.P. Lavande, J

Bench : Single Bench

**Advocate : D.J. Pangam, for the Appellant; C.A. Ferreira, Assistant Solicitor
General for Respondent No. 2 and M.S. Bandodkar, for the Respondent**

Judgement

A.P. Lavande, J.—Heard Mr. Pangam, learned Counsel for the petitioner, Mr. C.A. Ferreira, learned Assistant Solicitor General for respondent No. 2 and Mr. M.S. Bandodkar, learned Counsel for respondent No. 3 in all the writ petitions.

2. Rule. Rule is made returnable forthwith.

3. All these writ petitions are disposed of by a common judgment since the parties and the issues involved in all the writ petitions are identical.

4. Respondent No. 2 ? filed applications before respondent No. 1 claiming certain amounts from the petitioner herein under the Minimum Wages Act. The petitioner in all the matters sought to file replies on its behalf, which was not permitted by respondent No. 1 since the representative of the petitioner could not appear on the date fixed. Respondent No. 1 passed five different orders dated 7th May, 2010 directing the petitioner to pay the amounts claimed in the applications filed by respondent No. 2.

5. The petitioner has filed the above writ petitions challenging the said orders on various grounds. The main ground urged in the writ petition is that respondent

No. 1 has no jurisdiction to entertain the applications filed by respondent No. 2 since appropriate Government is Goa Government and not Central Government.

6. Mr. Ferreira, learned Assistant Solicitor General appearing for respondent No. 2 in all the petitions submits that since the issue of jurisdiction sought to be raised by the petitioner was not considered by respondent No. 1 in view of the replies of the petitioner were not taken on record, he will have no objection if the impugned orders are set aside and liberty is given to the petitioner to file replies to the applications filed by respondent No. 2. Mr. Ferreira, fairly concedes that all the contentions of the parties be kept open.

7. Mr. Pangam, learned Counsel for the petitioner and Mr. Bandodkar, learned Counsel for respondent No. 3 submit that they have no objection if the impugned orders are set aside. However, they state that in the event the impugned orders are set aside, liberty be granted to the petitioner and respondent No. 3 to file detailed replies incorporating therein all the defences of the respective parties.

8. In view of the submissions made by the learned Counsel for the parties, I deem it appropriate to quash and set aside the impugned orders dated 7th May, 2010, which are impugned in all these five writ petitions with liberty to the petitioner and respondent No. 3 to file detailed replies, if they so desire. The petitioner and respondent No. 3 shall file replies within a period of three weeks. Respondent No. 1 shall decide the applications filed by respondent No. 2 after giving an opportunity of being heard to the parties and after considering the replies, if any, filed by the petitioner and respondent No. 3, in accordance with law without being influenced by the observations made and findings given in the impugned orders.

9. Mr. Pangam, learned Counsel for the petitioner states that pursuant to the impugned orders, the petitioner has already effected payment to the workers as directed and, therefore, respondent No. 1 be directed to dispose of the applications expeditiously. In view of the statement made by Mr. Pangam, respondent No. 1 is directed to dispose of the applications expeditiously and in any case on or before 28th February, 2011. Parties to appear before respondent No. 1 on 29th October, 2010 at 11.00 a.m.

10. Writ Petitions stand disposed of in aforesaid terms with no orders as to costs.