

(2009) 11 JH CK 0144
In the Jharkhand High Court

Rajesh Kumar Dutta and Others

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 05-11-2009

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2009) 11 JH CK 0144

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—Learned Counsel for the petitioners is claiming minimum wages and the whole matter is meant for minimum wages to be paid by the respondents to the petitioners. It is also alleged by the learned Counsel for the petitioners that they are working on different posts and respondents may be directed to make payment of the wages at the minimum rate of wages, revised by the Government of Jharkhand vide notification dated 6th September, 2005 at Annexure-17, as well as letter dated 27th February, 2004 at Annexure-10.

2. I have heard learned Counsel for the respondents, who has submitted that this Court may not exercise powers under Article 226 of the Constitution of India because of the fact that there is Minimum Wages Act, 1948 and the grievances ventilated in this petition can be ventilated before appropriate Forum, under the Minimum Wages Act, 1948. A separate machinery has been created under the said Act, 1948 and therefore, this writ petition may not be entertained by this Court.

3. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, it appears that the present petitioners are clamming minimum wages from the respondents. They are working with the respondents as per their allegations. Looking to the provisions of the Minimum Wages Act, 1948, there is an efficacious alternative remedy available to the petitioners. This

Court is not inclined to entertain this writ petition under Article 226 of the Constitution of India. Though the learned Counsel for the petitioners has agitated several other points on merit. This writ petition is dismissed only for the reason that there is an efficacious alternative remedy is available to the petitioners, under the Minimum Wages Act, 1948, as the contention raised by the petitioners is only for the payment of the minimum wages from the respondents.

4. In view of these facts, there is no substance in this writ petition, hence it is hereby dismissed.