

(2013) 09 RAJ CK 0159

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 247 of 2013

State of Rajasthan and Others

APPELLANT

Vs

Nemi Chand and Others

RESPONDENT

Date of Decision : 25-09-2013

Acts Referred:

Citation : (2013) 09 RAJ CK 0159

Hon'ble Judges : V.K. Mathur, J;Dinesh Maheshwari, J

Bench : Division Bench

Advocate : G.R. Punia and AAG with Mr. Mahendra Choudhary, Asstt. to the AAG, for the Appellant; Vinayak Joshi, Ajeet Singh Shekhawat, for the Respondent

Final Decision : Disposed Off

Judgement

1. These appeals are reported to be time-barred by a few days. Having regard to the circumstances of the case and for the reasons as stated, the applications seeking condonation are allowed; and delay in filing these appeals is condoned. The other defects are taken note of and are ignored, subject to all just exceptions. The appeals are taken on the regular side. Heard on admission and on the prayer for interim relief.

2. It has been pointed out during the course of submissions that the learned Single Judge of this Court has passed the impugned order dated 02.11.2012, while following the judgment dated 06.09.2012 as passed by this Court at Jaipur Bench in a batch of appeals led by SAW No. 987/2012: Superintending Engineer, PHED, Sikar & Ors. v. Prahlad Ray & Anr. It is submitted that in relation to such similar matters, as against the judgment and order passed by this Court, petitions for Special Leave to Appeal (Civil) have been filed before the Hon'ble Supreme Court of India and therein, the Hon'ble Supreme Court has been pleased to direct the present appellants to ensure payment of at least 50% of the current minimum wages in favour of the similarly circumstanced writ petitioners w.e.f. 01.02.2013. A copy of the order dated 18.03.2013, as passed by the

Hon"ble Supreme Court in SLP (C) No. 5926/2013 has been placed for perusal before us.

3. Having regard to the circumstances of the case and the questions involved, these appeals are admitted for consideration. The contesting respondents are duly represented by the learned counsel. Hence, notices need not be issued.

4. As regards the prayer for interim relief, in the totality of the circumstances of the case and in view of the order passed by the Hon"ble Supreme Court in similar nature matters, it is considered appropriate to pass similar orders in the present cases too. It has been submitted during the course of submissions that the appellants have ensured such payment of 50% of the minimum wages to some of the writ petitioners for or until the month of July 2013. However, the learned Additional Advocate General has also expressed the doubt that some of the petitioners might not be working in the area concerned. It is also indicated during the course of submissions that the contempt petitions filed by the writ-petitioner are pending before the learned Single Judge wherein, further directions have been issued.

5. Having regard to the circumstances of the case, it is considered appropriate and hence ordered and directed as under:-- (1) There would be stay over operation and effect of the order dated 02.11.2012 passed by the learned Single Judge subject to the condition that the appellants shall ensure payment of at least 50% of the current minimum wages in favour of the writ petitioners (respondents herein) w.e.f. 01.02.2013;

(2) It shall be permissible for the appellants to carry out verification as regards actual working of the writ petitioner/s but then, in any case, it shall also be required of the appellants to ensure payment of arrears to the writ petitioner/s to whom amount is found payable on or before 30.09.2013. It shall also be required of the appellants to ensure further payment of at least 50% of the minimum wages to the concerned writ petitioner/s month by month in conformity with requirements of this order as also in conformity with the directions in regard to other aspect, as said to have been issued by the learned Single Judge in the contempt matters;

(3) It is also made clear that in case, any other order is passed by the Hon"ble Supreme Court in the similar nature matters, it shall always be permissible for the parties to make a mention for taking up of these appeals.

The stay applications, as moved in all these appeals, stand disposed of with the aforesaid directions and requirements.