

(2001) 02 KAR CK 0005
In the Karnataka High Court
Case No : Criminal Petition No. 3119 of 1998

V.I.S.L. Gents Recreation Association	Vs	APPELLANT
Minimum Wages Authority and Labour Officer and Others		RESPONDENT

Date of Decision : 12-02-2001

Acts Referred:

Criminal Procedure Code, 1898 (CrPC) — Section 482
Minimum Wages Act, 1948 — Section 20

Citation : (2001) 2 KCCR 1248

Hon'ble Judges : K.R. Prasada Rao, J

Bench : Single Bench

Advocate : R. Gopal and T.S. Suryaprakash, for the Appellant; N.V. Prakash, Additional State Public Prosecutor for Respondent 1 and M.C. Narasimhan, for Respondents 2 to 11, for the Respondent

Final Decision : Dismissed

Judgement

K.R. Prasada Rao, J.—This petition is filed u/s 482 Code Of Criminal Procedure, by the Respondent-Firm in Cr. Misc. No. 208 of 1997 on the file of the Court of the Civil Judge (Junior Division) and JMFC, Bhadravathi seeking for quashing the above proceedings pending against them for recovery of the arrears of wages payable under the provisions of Section 20 of the Minimum Wages Act, 1948 (for short "The Act") by the authority appointed by the Notification issued by the State Government.

2. It is contended by the learned Counsel for the Petitioner that a civil suit has been filed by the Petitioner numbered as O.S. No. 344 of 1997 in the Court of the Civil Judge (Junior Division), Bhadravathi challenging the award passed by the Minimum Wages Authority, as well as the jurisdiction of the authority, to pass the said award. He, therefore, submitted that in view of pendency of the said Civil Suit, the learned Magistrate ought to have stayed further proceedings in the above case. It is further pointed out by him that the learned Magistrate ought to have directed the Respondents to approach the Civil Court for recovery of the

award amount in view of the specific provision under the Sub-section (7) of Section 20 of the Act.

3. But, on a perusal of the provisions of Section 20 of the Act, I find that the learned Magistrate has jurisdiction to execute the award and to recover the award amount, as if it were a fine imposed by the Magistrate. Section 20 Sub-section (5) reads as follows:

Any amount directed to be paid under this section may be recovered-

(a) If the Authority is a Magistrate, by the authority as if it were a fine imposed by the Authority as a Magistrate, or

(b) If the Authority is not a Magistrate, by any Magistrate to whom the Authority makes application in this behalf, as if it were a fine imposed by such Magistrate.

In the instant case, the Respondent-Minimum Wages Authority made an application u/s 20 Sub-section (5) Clause (b) before the learned Magistrate for execution of the award and to recover the award amount as if it is fine imposed by the said Magistrate. Thus, it is clear that the Magistrate is the jurisdictional authority to recover the award amount as if it were the fine imposed by the said Magistrate, by issuing the Fine levy warrant. Sub-section (7) of Section 20 of the Act clarifies that:

Every authority appointed under Sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such Authority shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXXV of the Code of Criminal Procedure, 1898 (5 of 1898).

So, it is clear that the Respondent-Authority need not approach any Civil Court for recovery of the award amount and the only provision available u/s 20 of the Act to recover the award amount is Sub-section (5) of Section 20 which enables the Authority to approach the Magistrate to recover the award amount as if it were a fine imposed by such Magistrate. So, I do not find any justifiable reasons to quash the above proceedings. The Petitioner is entitled to approach the Civil Court where it filed the Suit, seeking for stay of execution of the award amount before the Magistrate.

This petition is, therefore, dismissed.