BEFORE THE AUTHORITY DER MINUM WAGES ACT, 1948 AND JOINT COMMISSIONER OF RANGEREDDY ZONE, HYDERABAD.

Between:

Asst. Commissioner of Labour,

Rangareddy

And

Sri. T. Soham Modi, Managing Director M/s Modi Properties & Investments (P) Ltd,

May Flowers Hegithts, Mallapur,

Rangareddy District

Reg.Office D.No. 5-4-187/3&4, II Floor,

Sohan Mansion, M.G. Road,

Secunderabad- 003...

In Jack, Respondents

.... Applicant

### ORDER:

This is an application filed under Section 20(2) of Minimum Wages Act 1948 by the Inspector and Asst Commissioner of Labour, Rangareddy claiming the difference of wages to (14) workers employed by the Respondent. The applicant submits that he inspected the Respondent Establishment and found that 14 workers were not paid wages fixed by the Government vide G.O.Ms.No. 85 LET&F Lab-II Department. Therefore he prayed a direction to the Respondent for payment of difference of wages.

The Respondent filed an memo and admitted the claim partially he further submits that the Applicant did not verify the registers showing the actual periods fo the works carried on by the workmen of this claim and present claim is filed based on the oral information given by the workers the actual work carried on by the workers.

The respondent also submitted thaat due to vatriations in the calculations of recently raised VDA points certain amount of the Minimum Wages has became due to the workmen. The respondent also submited the Annexure showing the actual claim of the workmen based on the actual working days as per the statutary registers.

The Respondent submitted a cheque No. 562249 Dt 30:04.2012 and 562251 Dt 30.04.2012 of HDFC Bank, S.D.Road, Secunderabad branch for the total amount of Rs.86,974/- (Rupess Eighty Six Thousand Nine Hundred and Seventy Four Only) deposited to this authority payable to 14 workmen shall be disbursed to them by the Asst. Commissioner of Labour, Rangareddy by obtaining individual account payee Cheques issued from this Authority. In view of the above this application is disposed off. No order for Costs. n o nie ojuji (Lovier jed 71.27.1

Given under my hand and seal of this Authority, this the 31st day of May, 2012.

AUTHORITY UNDER MINIMUM WAGES ACT, 1948&
JOHN COMMISSIONER OF LABOUR,
RANGAREN OF HADERABAD.

To As above

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# IN THE COURT OF THE AUTHORITY UNDER MINIMUM WAGES ACT, & JONT COMMISSIONER OF LABOUR, RANGAREDDY ZONE, HYDERABAD

M. W. No. 72/2011

Between: Asst. Commissioner of Labour, Ranga Reddy District.

- Applicant

And

Sri. Soham Modi, Managing Partner, Alpine Estates, 5-4-187/3 &4, II Floor, Soham Mansion, M. G. Road, Secunderabad – 500 003.

-- Respondent

### MEMO FILED BY THE RESPONDENT

It is submitted that the Respondent organization carries on construction work and engaged the workmen at the work site "Mayflower Heights" Opp: Noma Function Hall, Mallapur, Ranga Reddy District as and when the work is taken up. Most of the workmen works for shorter periods and will not turn up for the new works taken up by the organization. In view of the above most of the workmen engaged by the Respondent are casual workers who worked for few months / shorter periods.

It is also submitted that all the workmen shown in the present claim are also casual workmen and they did not work for the periods shown against them in this claim. These workers come for the work intermittently on daily wage basis and they are not employed regularly.

It is submitted that the Asst. Commissioner of Labour, Ranga Reddy District did not verify the registers showing the actual periods of the works carried on by the workmen of this claim and he filed this claim based on the oral information given by the workers. Therefore it is submitted that the calculation made by the Asst. Commissioner of Labour is not correct and it is not based on the actual work carried on by the workers.

I also submit that due to variations in the calculations of recently raised VDA points certain amount of the Minimum wages has become a due to the workmen. I hereby submit the Annexure showing the actual claim of the workmen based on the actual working days as per the statuary registers. I also submit that the claim made by the Asst. Commissioner of Labour is calculated on the whole period without taking into consideration of actual days of work.

I hereby admit the difference of Minimum wages arised due to the variations on the VDA calculations for the actual days of work by the workmen as shown in the annexure appended to this memo. By admitting the said amount I herewith submit the Cheque Nos. 562249 for Rs. 50,000/- and 562251 for Rs. 36,974/- both dated 30.04.2012 drawn on HDFC Bank, S. D. Road Branch, Secunderabad Branch infavour of "Authority Under Minimum Wages Act & Joint Commissioner of Labour, R. R. Zone, Hyderabad". I request the authority kindly disburse the amount to the workers of the claim.

For ALPINE ESTATES

Partner

ANNEXURE

# Statement Showing the Difference of minimum wages Payable to Employee in respect of Alpine Estates Project "Maflower Heights" Situated at Sy.Nos. 2/1/1, 183, 184, 190 & 191, Mallapur, Hyderabad.

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For ALPINE ESTATES

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STATEMENT GIVING THE DETAILS OF MIN. WAGES DIFFERENCE INCLUDING 4 TIMES PENALTY & CESS PAYMENT. INRESPECT OF PROJECT SITES.

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3 MEHTA & MODI HOMES-BUNGALOWS SILVER OAK GUNGALOWS, CHERLAPALLY	12 🖍	1,18,661	<b>- -</b> 5,93,305	9.6.2011		
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# **ALPINE ESTATES**

# 103, First Floor, Hariganga Complex, Ranigunj, Secunderabad - 500 003. Phone: +91-40-66335551, Fax:

Dt. 15.03.2012

To
Joint Commissioner of Labour
Labour Dept. Govt. of AP
Ranga Reddy Zone,
Y.Anjaiah Karmika Sankshema Bhavan,
RTC X Roads,
Hyderabad.

Dear Sir,

Sub: Minimum Wages

Ref: M.W. Case No. 72/2011

Please note that connected to the above referred case are received by our earlier Manager Mr. Shanker Reddy but the same has neither been given nor informed to the Management. Now that person is absconding and not reporting to the office.

Due to the above reason we are not aware of the notices issued by you.

Based on the above reason we request you to re-open our file and give an opportunity for personal hearing.

Please consider our request and give us opportunity for personal hearing at an early date.

Thanking you,

Yours faithfully, For Apine Estates

(Soham Modi)



BEFORE THE AUTHORI' AND JOINT COMMISSIONER OF ANGAREDDY ZONE, TAKS BHAVAN, RTC'X' ROX M.W. NO.72/2011 Asst.Commissioner of Labour Rangareddy ... Applicant Sri. Sohan Modi, Managing Director, M/s Modi Properties& Investments(P) Ltd, Regd. Office 5-4-187/3&4, 2nd Floor, Sohan Manshion M.G.Road, Secundrebad. ... Respondents Whereas a claim has been instituted against you for non-payment of minimum wages to the under Section -20(2) of the Minimum Wages Act, 1948 to the workers engaged at your work site May Flowers Heights, APLPINE ESTATES, Take notice that if you wish to disclaim any interest in the subject of the Authority or intend to rely on any fact or deny (wholly or partially) your liability to pay the wages under Minimum Wages Act you must file with the Authority such answer. Take notice that the above case is posted on 16.07.2011 at 3-00PM date either in person or through advocate duly authorized by you.

Mallapur, Rangareddy District (A copy of the application is enclosed). matter of the application or consider that the applicants particulars are in any respect inaccurate or desire to bring any fact or document to the notice

you are therefore directed to appear before this court on the above said

No further date of hearing will be intimated. You should find the dates of hearing from the office of this court from time to time and attend accordingly.

If you fail to attend the hearing case will be proceeded with and decided in your absence.

Given under my hand and seal of this Court on the day of 8th day July of 2011.

Authority under Minimum Wages Act, 1948 &

Joint Commissioner of Labour.

Authority 14/8 20(1) of M. W. Act. 1948.

& Joint Commissioner by days had. Ranga Reddy Zone, Hyderabad.

То As above

And



## BEFORE THE AUTHORITY UNDER MINIMUM WAGES ACT, 1948 & JOINT COMMISSIONER OF LABOUR, RANGAREDDY ZONE, T. ANJAIAH KARMIKA SANKSHEMA BHAVAN, RTC 'X' ROAD, HYDERABAD

PRESENT:

P.V. MURALISAGAR

STATION:

**HYDERABAD** 

# M.W. CASE NO 72/2011

Between:
The Asst. Commissioner of Labour
Rangareddy
And
Sri. Sohan Modi, Managing Director
M/s Modi Properties Investments(P)

..... Applicant.

Sri. Sohan Modi, Managing Director M/s Modi Properties Investments(P) Ltd, May Flowers Heights, ALPINE ESTATES, Mallapur, Rangareddy District.

..... Respondent.

### ORDER:

This an application filed under Section 20 of Minimum Wages Act, 1948 by the Inspector & Asst. Commissioner of Labour, Rangareddy claiming a difference of minimum wages amounting to Rs.1,49,084/- payable by the Respondent to the 14 employees employed in the Respondent's establishment.

Notice dated 13.06.2011 was issued to the Respondent for hearing the application by posting the matter on 29.06.2011 and therefore the matter was posted for filing counter by the Respondent on 16.07.2011, 23.07.2011, 04.08.2011, 11.08.2011, 20.08.2011, 29.11.2011, 17.09.2011, 03.11.2011, 08.11.2011, 14.11.2011 and 22.11.2011 Inspite of giving several hearings the respondent has not attended the hearings and also not filed the counter. As the respondent repeatedly absenting the hearings and also no representation for him, he was set exparte on 22.11.2011 and posted the matter on 09.12.2011 for Applicant evidence.

The Applicant filed an Affidavit in lieu of Chief Examination. In his Affidavit in lieu of Chief Examination the applicant has stated that he is the notified Inspector u/s 20 of the Minimum Wages Act. Further it is stated that in compliance with the instructions of the higher Authorities he inspected the Respondent establishment situated at Mallapur, Rangareddy District on 09.05.2011. The respondent was carrying out the work which is a scheduled

employment specified in part-I u/s 2(g) and Sec. 27 of the Minimum Wages Act. Sri. B. Prabhu Das who is the one of the Accounts Manager of the establishments was present during the course of inspection and Sri. Prabhu Das despite being asked, failed to produce the register of muster roll, payment register and other related registers and signed the Inspection Report. The inspection report was marked as Ex. A-1. Further it was stated that during the course of inspection it was found that 14 employees have been found working in the said establishment and recorded their statement with regard to designation, length of service, working hours and the wages actually paid by the management to them and obtained their signatures. Sri.B. Prabhu Das the representative of respondent also signed on the said statement. The Employees statement recorded is marked as Ex. A-2. Upon verification of the said statement given by the said employees it was found that out of 21 employees working in the respondent establishment,14 employees are not being paid the minimum wages fixed as per G. O. Ms. No: 85 LET F (Lab-II) dated 22.09.2007 as (EX-A3).

The Applicant deposed that the Respondent establishment is a scheduled employment and the minimum wages fixed by the Government of Andhra Pradesh vide G. O. Ms. No: 85 dated 22.09.2007 are applicable to the employees employed in the Respondent establishment. He has further deposed that 14 employees shown in the claim are not being paid the minimum wages as fixed by the Government of Andhra Pradesh in G. O. Ms. No: 85 dated 22.09.2007. On the perusal the said G. O.(EX-A3) and also the statement of employees (EX-A2) recorded during the course of inspection which was signed by the employees of the respondent establishment, clearly indicate that the said employees were paid less wages than the wages fixed by the Government of Andhra Pradesh vide the said G. O. Ms. No: 85 dated 22.09.2007.

Since there is no contrary evidence on record there is nothing to disbelieve the claim of the Applicant. Therefore it is established that 14 employees whose names were shown in the statement attached to the Application were paid less wages than the minimum wages fixed by the Government of Andhra Pradesh vide G.O. Ms. No: 85 dated 22.09.2007 and the same is nothing but violating of the provisions of the Minimum Wages Act, 1948. Under these circumstances I hold that the 14 employees are entitled for the payment of difference of minimum wages as shown in the statement showing the difference of wages amounting to Rs 1,49,084/-

The extracting the work without paying minimum wages is nothing but an exploitation of the workmen. The respondent apart from denying the statutory minimum wages to workmen, not bothered to avail the opportunity to attend the proceedings before this Authority to rectify the anomaly. It indicates his indifference towards payment of minimum wages to the workers employed by him. Therefore I opine it a fit case to impose compensation. Accordingly 4 times of the total amount of difference of minimum wages claimed in this case is imposed as compensation.

The Respondent is therefore directed to deposit the claim amount of Rs. 1,49,084/- together with 4 times of compensation of Rs.5,96,336/- and in all the total sum of Rs.7,45,420/- (Rupees Seven Lakhs Forty Five Thousand Four Hundred and Twenty Only) by way of demand draft payable in any Nationalised Bank in favour of the Authority under Minimum Wages Act and Joint Commissioner of Labour, Rangareddy Zone, Hyderabad with in 15 days from the date of receipt of this order.

Given under my hand and seal of this Authority on this 23rd day of January, 2012.

Authority under Minimum Wages Act, 1948 & Joint Commissioner of Labour, Rangareddy Zone, Hyderabad.

# APPENDIX OF EVIDENCES WITNESSES EXAMINED

For Applicant:

AW1- Sri.Mohd. Shabbir

Asst.Commissioner of Labour, Rangareddy

For Respondent

Nil

EXHIBTS MARKED

For Applicant:

Ex A-1- Inspection report

Ex A-2 – Employees Statement

Ex A-3- G.O.Ms.No. 85 of LET&F Department

Dated 22.09.2007.

For Respondent

Nil

V2\_\_\_\_.

Authority under Minimum Wages Act, 1948 & Joint Commissioner of Labour, Rangareddy Zone, Hyderabad.

To
The Parties concerned.

3

Asst. Commissioner of Labo

Asst. Commissioner of Labor

Rangaspeeddy

The applicant begs leave to amend or add to or make alteration in the application if and when

The applicant does solemnly declare that what is stated above is true to the best of his

Application No.

Hyderabad.

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Dated:

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9-6,2011

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Signed at Alexaltwon 9-6-201

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