

THE

PARLIAMENTARY DEBATES Dated 21.11.2014

(Part I—Questions and Answers)

## OFFICIAL REPORT

260

270

## HOUSE OF THE PEOPLE

Thursday, 19th February, 1953

*The House met at Two of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

## ORAL ANSWERS TO QUESTIONS

## INDIAN NAVAL DOCKYARD, BOMBAY

\*168. **Shri Vittal Rao:** Will the Minister of Defence be pleased to state:

(a) whether it is a fact that the Court of Authority under the Payment of Wages Act, Bombay has held that there has been an illegal deduction of wages in the case of about 80 workers of Indian Naval Dockyard, Bombay;

(b) whether it is a fact that even after this Judgment of the Court of Authority under the Payment of Wages Act, the Captain Superintendent of Indian Naval Dockyard is still deducting the wages of workers;

(c) the action taken by the Regional Labour Commissioner of Bombay who is an Inspector under the Payment of Wages Act, and to whom this matter was referred as an Industrial dispute by the Indian Naval Dockyard Employees' Union; and

(d) whether it is a fact that Government had to pay costs to the extent of Rs. 5,000 (Five Thousand) in the payment of Wages Court cases and application for writ filed by the Captain Superintendent before the High Court which was dismissed by the latter?

**The Deputy Minister of Defence (Sardar Majithia):** (a) Yes.

(b) Government were not satisfied with the judgment of the Authority under the Payment of Wages Act and accordingly applied to the High Court at Bombay for the issue of a writ. The High Court did not consider the case on merits on the ground that as the order of the Authority had

already been complied with by Government, there was no order to be executed and therefore no writ of prohibition or mandamus could lie. The High Court dismissed Government's application with the observation that if the Authority were to pass similar orders on further applications by the employees it would be open to Government not to comply with that order and to take appropriate proceedings to have that order set aside. Government accordingly decided not to make the additional payments ordered by the Authority beyond the period specifically covered by its order.

(c) The Regional Labour Commissioner of Bombay is not an Inspector under the Payment of Wages Act. He did not take any action on the reference made to him as an industrial dispute because fresh applications filed by a number of other employees of the Naval Dockyard were being again contested by Government and the matter was *sub-judice*.

(d) No, Sir. The total cost incurred does not exceed Rs. 2,500.

**Shri Vittal Rao:** May I know if there is any machinery to ensure that there are no violations under the Payment of Wages Act?

**Sardar Majithia:** There is no violation.

**Shri V. P. Nayar:** On the point of submission, Sir. The hon. Member asked whether there is any machinery but the answer given is that there is no violation.

**Sardar Majithia:** The ordinary law takes its normal course.

**Mr. Deputy-Speaker:** There is no special machinery and that is what the hon. Minister says. I would generally submit to hon. Ministers particularly, that there is no harm in saying that no such machinery is necessary or there are the usual provisions of the Act. Next question.