



2026:DHC:7621

**IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on:20.07.2026**Judgment pronounced on:08.09.2026**Judgment uploaded on:08.09.2026*

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CNR No. DLHC012543602017

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W.P.(C) 4492/2017

M/S G4S SECURE SOLUTIONS (I) PVT LTD.....Petitioner

versus

SURAJ KUMAR SAW

.....Respondent

#

CNR No.DLHC012616662017

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W.P.(C) 4745/2017M/S G4S SECURE SOLUTIONS INDIA
PVT LTD

.....Petitioner

versus

SUDHIR KUMAR DUBEY

.....Respondent

#

CNR No.DLHC012642012017

+

W.P.(C) 4885/2017

M/S G4S SECURE SOLUTIONS (I) PVT LTD.....Petitioner

versus

JAGROOP SINGH

.....Respondent

#

CNR No.DLHC012641892017

+

W.P.(C) 4898/2017

M/S G4S SECURE SOLUTIONS (I) PVT LTD.....Petitioner

versus

ASHA RAM

.....Respondent

#

CNR No.DLHC012673642017

+

W.P.(C) 5115/2017M/S G4S SECURE SOLUTIONS INDIA PVT.
LTD.

.....Petitioner

versus

RAJIV KUMAR SINGH & ORS

.....Respondents



CNR No.DLHC012673552017
+ **W.P.(C) 5142/2017**
M/S G4S SECURE SOLUTIONS INDIA PVT.
LTD.Petitioner
versus
MAHENDRA SINGH VERMARespondent

Advocates who appeared in this case:

For the Petitioner : Mr. Gulshan Chawla and Ms. Kanupriya Chawla, Advs.

For the Respondents : Mr. Utsav Jain, Adv

CORAM
HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. The present batch of six writ petitions, filed under Article 226 and 227 of the Constitution of India, assail six separate Awards passed by the Authority under Section 20 of the Minimum Wages Act, 1948, i.e., the Joint Labour Commissioner, West District, Government of NCT of Delhi, *vide* which the Authority had partly allowed the claims of the respective Respondents/Workmen and awarded payment of overtime wages at double rate along with compensation.
2. Since all the writ petitions arise out of substantially identical facts and challenge awards rendered on materially similar reasoning, they were heard together and are being decided by this common judgment.



3. The Petitioner/M/s. G4S Secure Solutions India Pvt. Ltd. is engaged in the business of providing security services. The Respondents, in the respective writ petitions, were employed by the Petitioner, as *Security Guard/ Armed Guard/ Inspector/ Head Guard/ Supervisor etc.*, during different periods. The existence of the employer-employee relationship between the parties is not in dispute.

4. During the course of their employment, the Respondents instituted separate applications before the Authority under Section 20 of the Minimum Wages Act, 1948, alleging that though they had regularly worked beyond the prescribed working hours but were paid overtime wages only at the *ordinary rate* instead of at *twice the ordinary rate* as contemplated under the provisions of the Act. The Respondents, accordingly, sought recovery of the differential overtime wages together with compensation.

5. In support of their respective claims, the Respondents examined themselves and tendered their evidence by way of affidavits. The Respondents relied, *inter alia*, upon duty rota/charts maintained by them reflecting the overtime allegedly performed during the relevant periods.

6. The details of the Respondents and their respective claims are encapsulated as under: -

Writ Petition	Employee	Date Of Joining	Claim Filed On	Period For Which Overtime Claimed	Evidence
W.P. (C) 4492/ 17	Suraj Kumar	10.03.2006 (Guard)	7.11.2013	March 2006 – Feb 2013	WW1/A – Affidavit of Evidence WW1/1 – Demand



2026:DHC:7621



	Saw			(7y)	Notice WW1/2 to WW1/10 – Monthly Duty Rota WW1/11 to WW 1/24 – Letters to Authorities
W.P. (C) 4745/17	Sudhir Kumar Dubey	7.07.1998 (Armed Guard)	7.11.2013	Jan 1998 – Oct/Dec 2012 (15y)	WW1/A – Affidavit of Evidence WW1/1 to WW1/4 – Demand Notice WW1/5 to WW1/18 – Monthly Duty Rota WW1/19 to WW 1/29 – Letters to Authorities
W.P. (C) 4885/17	Jagroop Singh	7.01.1998 (Armed Guard)	7.11.2013	Jan 1998 – Oct/Dec 2012 (15y)	WW1/A – Affidavit of Evidence WW1/1 to WW1/15 – Monthly Duty Rota WW1/16 to WW1/17 – Demand Notice WW1/18 to WW 1/28 – Letters to Authorities
W.P. (C) 4898/17	Asha Ram	17.07.1997 (Armed Guard)	7.11.2013	July 1997 – Jan 2013 (15y 7m)	WW1/A – Affidavit of Evidence WW1/1 to WW1/16 – Monthly Duty Rota WW1/17 to WW1/19 – Demand Notice WW1/20 to WW 1/31 – Letters to Authorities
W.P. (C) 5115/17	Rajeev Kumar	15.05.1999 (Inspector)	5.03.2014	June 1999 – Aug 2013 (14y 3m)	WW1/A – Affidavit of Evidence WW1/1 to WW1/15 – Monthly Duty Rota WW1/16 to WW1/18 – Demand Notice WW1/20 to WW 1/30 – Letters to Authorities WW1/31 – Action Taken Report
	Ram Parvesh	08.10.2002 (Head	5.03.2014	Oct 2002 – Mar 2013	WW1/A – Affidavit of Evidence WW1/1 to WW1/12 –



		Guard)		(10y 6m)	Monthly Duty Rota WW1/13 to WW1/15 – Demand Notice WW1/16 to WW 1/27 – Letters to Authorities WW1/28 – Action Taken Report
	Shambhu Prasad	12.11.2001 (Supervisor)	5.03.2014	Jan 2002 – Aug 2013 (11y 08m)	WW1/A – Affidavit of Evidence WW1/1 to WW1/12 – Monthly Duty Rota WW1/13 to WW1/15 – Demand Notice WW1/16 to WW 1/27 – Letters to Authorities WW1/28 – Action Taken Report
	Akhilesh Prasad	17.06.1998 (Head Guard)	5.03.2014	Jan 2002 – Dec 2012 (11y)	WW1/A – Affidavit of Evidence WW1/1 to WW1/11 – Monthly Duty Rota WW1/12 to WW1/14 – Demand Notice WW1/15 to WW 1/28 – Letters to Authorities; Action Taken Report and Complaint to SHO
W.P. (C) 5142/17	Mahender Singh Verma	03.07.1995 (Armed Guard)	7.11.2013	Jan 1996 – Dec 2012 (17y)	WW1/A – Affidavit of Evidence WW1/1 to WW1/21 – Monthly Duty Rota WW1/22 to WW1/25 – Demand Notice WW1/26 to WW 1/33 – Letters to Authorities

7. The Petitioner/Employer contested the respective applications, *inter alia*, contending that the claims were barred by limitation; the Respondents were not entitled to invoke the provisions of the Minimum Wages Act; the Respondents had not worked any overtime



and have failed to establish that they had actually worked overtime; and the wages as applicable and due have already been paid.

8. Upon appreciation of the pleadings, oral evidence and material placed on record, the learned Authority *vide* the respective impugned Awards, held that although the applications had been instituted beyond the prescribed period of limitation (6 months as per Section 20), the delay deserved to be condoned only to a limited extent i.e. for the preceding 3 years from the date of filing of the respective claims. On merits, the learned Authority concluded that the Employees were covered under “*Schedule of employment in all Shops and Establishments covered by the Delhi Shops and Establishments Act 1954 and not covered by any other schedule*” and since the Petitioner was registered under the Private Security Agencies (Regulation) Act 2005, it was bound to comply with the provisions of the Minimum Wages Act, 1948. As regards the entitlement of overtime wages at double rate, it was noted that the Respondents had filed their respective duty rota/charts which has all the necessary details/particulars *inter alia* name, clock no., total hours, overtime hours per day, salary etc. and the Petitioner had failed to produce the relevant employment records i.e. Attendance Registers/Overtime Registers/Payment Registers/Bank statements despite the same being within its possession. Hence, the learned Authority, considering that admittedly the Respondents had already been paid overtime wages at the ordinary rate once, awarded the differential amount payable (i.e.



the double rate) for the preceding 3 years, along with compensation quantified at 50% of the amount determined.

9. The details of the Awards of the respective claims is encapsulated as under: -

Writ Petition	Employee	Date of Award	Period For Which Claim allowed	Total Amount Awarded (Overtime at single rate + 50% Compensation)
W.P. (C)14492/17	Suraj Kumar Saw	30.03.2017	Oct 2010 – Feb 2013 (2y 5m)	Rs. 1,35,864/- (Rs. 90,575/- + Rs. 45,288/-)
W.P. (C) 4745/17	Sudhir Kumar Dubey	30.03.2017	Oct 2010 – Dec 2012 (2y 3m)	Rs. 1,95,463/- (Rs. 1,30,309/- + Rs. 65,154/-)
W.P. (C) 4885/17	Jagroop Singh	30.03.2017	Oct 2010 – Oct 2012 (2y 1m)	Rs. 1,51,650/- (Rs. 1,01,100/- + Rs. 50,550/-)
W.P. (C) 4898/17	Asha Ram	30.03.2017	Oct 2010 – Dec 2012 (2y 3m)	Rs. 2,28,234/- (Rs. 1,52,156/- + Rs. 76,078/-)
W.P. (C) 5115/17	Rajeev Kumar	11.04.2017	Mar 2011 – Aug 2013 (2y 6m)	Rs. 1,60,020/- (Rs. 1,06,680/- + Rs. 53,340/-)
	Ram Parvesh		Mar 2011 – Mar 2013 (2y 1m)	Rs. 1,86,534/- (Rs. 1,24,356/- + Rs. 62,178/-)
	Shambhu Prasad		Mar 2011 – Aug 2013 (2y 6m)	Rs. 1,88,852/- (Rs. 1,25,901/-)



				+ Rs. 62,951/-)
	Akhilesh Prasad		Mar 2011 – Dec 2012 (1y 10m)	Rs. 1,26,555/- (Rs. 84,370/- + Rs. 42,185/-)
W.P. (C) 5142/17	Mahender Singh Verma	30.03.2017	Oct 2010 – Dec 2012 (2y 3m)	1,69,275/- (Rs. 1,12,850/- + Rs. 56,425/-)

10. Aggrieved by the aforesaid awards, the petitioner has invoked the writ jurisdiction of this Court under Articles 226/227 of the Constitution of India.

11. Learned Counsel for the Petitioner submitted that the Respondents failed to discharge the initial burden of proving that he had actually worked overtime. The entire claim rested upon the Monthly Duty Rota which, admittedly, was prepared by the Respondents themselves and did not bear the signature or authentication of the Management. The Respondents also admitted that they had received no written authorisation to work overtime. Reliance was placed on ***D. Krishnan & Anr. v. Special Officer, Vellore Cooperative Sugar Mill & Anr., 2008 LLR 1188***, to contend that the burden of proving overtime lies upon the person claiming the same.

12. It was further submitted that the finding that the Respondent's evidence was “*unrebutted*” was contrary to the record. The Petitioner had examined witnesses who categorically deposed that the



Respondents were neither authorised nor required to work overtime. The mere non-production of records by the Petitioner could not substitute the Respondent's failure to first establish the factum of overtime, particularly when the document relied upon by him was self-prepared and unauthenticated.

13. It was submitted that the learned Authority had treated every calendar day of the relevant period as a working day, including Sundays and weekly days of rest, despite there being no evidence that the Respondents worked continuously without any weekly off, leave or absence. The computation was based on an inherently improbable assumption and unsupported by the evidence on record.

14. It was further submitted that the claims pertained recovery of overtime wages of the period almost a decade preceding the claim and was barred by the six-month limitation prescribed under Section 20(2) of the Act. No sufficient cause was shown for the extraordinary delay, and mere filing of representations with the Petitioner could not extend the statutory period.

15. It was further submitted that the award of compensation equivalent to 50% of the overtime amount was contrary to Section 20(3)(ii) of the Minimum Wages Act, 1948, which prescribes the statutory limit on compensation in claims of the present nature. It was contended that the learned Authority could not rely upon a judgment rendered under the Delhi Shops and Establishments Act, 1954 to enlarge the compensation permissible under the Minimum Wages Act.



It was further submitted that no prayer for compensation had been made in the claim application and thus, the Award has been passed beyond the prayers made in the petition.

16. An alternative contention has also been raised that the employees, being security guards/supervisors are not covered under the Minimum Wages Act, 1948.

17. Hence, on the aforesaid grounds, it is prayed that the impugned awards be set aside.

18. *Per contra*, Learned Counsels for the Respondents submitted that the Respondents had been working overtime for four hours daily since their respective appointments, but were paid overtime only at the normal rate instead of the statutorily prescribed double rate. It was submitted that the Respondents supported their claims by producing the monthly duty rotas, which recorded their daily duty and overtime hours. These rotas bore the Petitioner's logo and were submitted by the security guards to the Petitioner's officers on a monthly basis. It was further submitted that several representations made by the Respondents, their Union and other authorities regarding non-payment of overtime were duly exhibited and remained undisputed.

19. It was further submitted that the Petitioner had taken inconsistent stands before the learned Authority. While in its Reply to the claim it had stated that whatever overtime was performed by the Respondents had been duly paid, its witnesses subsequently deposed that no overtime work was ever taken from the Respondents. It was



submitted that the Petitioner failed to produce the attendance register, overtime register, payment records or bank statements, despite such records being required to be maintained under Section 18 of the Minimum Wages Act, 1948. Reliance was placed on the Petitioner's own witness admitting that the records could not be produced as they were old. It was therefore contended that the learned Authority was justified in drawing an adverse inference against the Petitioner.

20. On limitation, it was submitted that the learned Authority had not condoned the entire delay but had restricted the claims to the period of approximately three years preceding the filing of the applications. It was contended that *sufficient cause* for the delay had been established through the various representations made by the Respondents and their Union, to the Management and Labour authorities. It was submitted that the Respondents had been pursuing their claims with the Management from time to time and that the learned Authority, upon appreciation of the pleadings and evidence, had found sufficient cause for condoning the delay. Reliance was placed upon ***Sarpanch Lonand Grampanchayat v. Ramgiri Gosavi & Ors., AIR 1968 SC 222*** and Order dated 17.03.2015 passed by the High Court of Madras in ***Rambal Limited v. Deputy Commissioner of Labour-II*** bearing ***W.P. No. 1575/2014***(relied upon by the learned Authority).

21. It was submitted that, as regards the compensation awarded, the statutory limit of Rs.10/- prescribed under Section 20(3) of the



Minimum Wages Act, 1948 dates back to 1948 and does not reflect present economic realities. Reliance was placed upon the **order dated 04.08.2014** passed by this Court in **W.P.(C) 4748/2014**, wherein compensation of 50% had been awarded in the context of the Delhi Shops and Establishments Act, 1954, notwithstanding the similarly outdated statutory provision therein. It was contended that the learned Authority had rightly adopted the same approach in the present case and that the compensation awarded was neither excessive nor unjustified.

22. Lastly, it was submitted that the impugned Awards did not warrant interference in exercise of writ jurisdiction, as the learned Authority had returned findings upon appreciation of the evidence and had exercised its discretion regarding condonation of delay and compensation. It was submitted that the Respondents had already established their entitlement to overtime through the duty rotas and contemporaneous representations, whereas the Petitioner had failed to produce the records within its exclusive custody which could have conclusively established the actual hours worked.

23. It was accordingly prayed that the petitions be dismissed and the awarded amounts, including the unpaid balance, be directed to be released to the Respondents along with appropriate interest and costs.

24. Arguments heard and the material placed on record perused.

25. At the outset, it is apposite to mention that in exercise of jurisdiction under Articles 226 and 227 of the Constitution, this Court



does not sit as a Court of appeal over the findings recorded by the Labour Court/Tribunals/Fact-finding Authorities. Interference is warranted only where the findings suffer from patent perversity, are based on no evidence, or are such that no reasonable person could have arrived at them. Merely because another view on the evidence is possible would not justify interference. Reference in this regard may be made to the judgment in ***International Airport Authority of India v. International Air Cargo Workers Union* : (2009) 13 SCC 374** where the Hon'ble Apex Court held as under: -

“47. It is true that in exercising the writ jurisdiction, the High Court cannot sit in appeal over the findings and award of the Industrial Tribunal and therefore, cannot reappreciate evidence. The findings of fact recorded by a fact-finding authority should ordinarily be considered as final. The findings of the Tribunal should not be interfered with in writ jurisdiction merely on the ground that the material on which the Tribunal had acted was insufficient or not credible.

48. It is also true that as long as the findings of fact are based on some materials which are relevant, findings may not be interfered with merely because another view is also possible. But where the Tribunal records findings on no evidence or irrelevant evidence, it is certainly open to the High Court to interfere with the award of the Industrial Tribunal.”

26. Turning our gaze to the facts of the present case, as regards the issue of limitation, the claims preferred by the Respondents were admittedly not filed within the period of six months prescribed under



Section 20(2) of the Minimum Wages Act, 1948. The Respondents, however, accompanied their claims with applications seeking condonation of delay. The *second proviso* to Section 20(2) expressly empowers the learned Authority to entertain an application beyond the prescribed period where the applicant satisfies it that there was *sufficient cause* for not making the application within such period.

27. The power conferred upon the Authority under the aforesaid *proviso* is discretionary. The question whether *sufficient cause* has been shown is essentially a question of fact, to be determined upon consideration of the circumstances placed before the learned Authority. Such exercise of discretion would warrant interference in writ jurisdiction only where it is shown to have been exercised arbitrarily, on irrelevant considerations or in disregard of the material on record.

28. Admittedly, the Respondents had relied upon the Representations made by them and/or their Union from time to time concerning non-payment of overtime wages at the prescribed rate. The record contains, *inter alia*, several communications addressed to the Management and the Labour authorities seeking payment of overtime wages. The Respondents also asserted that the grievance had been raised before the Management during the intervening period.

29. Thus, the learned Authority duly considered the aforesaid material, and also did not entertain the claims for the entire period for which overtime was originally claimed. The claims, which in most



cases extended over several years, were restricted to the period of approximately *three years* preceding the institution of the proceedings.

30. The submission of the Petitioner that mere representations cannot extend the statutory period of limitation is, as a general proposition, unexceptionable. However, this Court finds no perversity or arbitrariness in the aforesaid exercise of discretion by the learned Authority. The mere fact that the Petitioner may have preferred a different assessment of the explanation furnished by the Respondents cannot constitute a ground for interference under Articles 226 and 227 of the Constitution of India.

31. Adverting to the issue of payment of overtime wages, Section 14(1) of the Act makes provision for overtime which reads as "*Where an employee, whose minimum rate of wages is fixed under this Act by the hour, by the day or by such a longer wage-period as may be prescribed, **works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess at the overtime rate** fixed under this Act or under any law of the appropriate Government for the time being in force, whichever is higher*".

32. Rule 25 of Minimum Wages (Central) Rules 1950, makes provisions for Extra Wages for overtime which provides that "**25. Extra Wages for overtime**—(1) *When a worker works in an employment for more than nine hours on any day or for more than forty-eight hours in any week, **he shall In respect of overtime work,***



be entitled to wages:- (a) In the case of employment in agriculture, at one and a half times the ordinary rate of wage; or (b) In the case of any other scheduled employment, at double the ordinary rate of wages."

33. Now as regards the principal contention that the Respondents failed to discharge the initial burden of proving that they had actually worked overtime, there can be no dispute with the proposition that a claimant seeking overtime wages must establish that he had in fact worked beyond the prescribed hours. At the same time, the question whether such burden stands discharged is necessarily dependent upon the evidence led in the individual case.

34. In the present case, the Respondents entered the witness box and supported their claims by way of affidavits. They placed on record monthly duty rotas recording their duty hours and the overtime hours allegedly performed. The same contains the particulars such as name, clock no., total hours, overtime hours per day, salary due etc. The Respondents also relied upon various representations made during the relevant period complaining of non-payment of overtime wages at the prescribed rate.

35. It is true that the Petitioner disputes the evidentiary value of the duty rotas and points out that the Respondents have admitted that they had prepared rota themselves and the same did not bear the signature of the Management. However, in the opinion of this Court, the same does not render the document wholly incapable of consideration. The



Respondents' case was also that the monthly duty rotas were prepared in connection with their deployment and submitted to the Petitioner's officers. The forms were stated to bear the Petitioner's logo. The learned Authority thus assessed the documents in the context of the entire evidence and not in isolation.

36. More importantly, the Petitioner was in possession of the records which would ordinarily have constituted the most direct/best evidence regarding the actual hours of duty performed by the Respondents. The Respondents specifically called upon the Petitioner to produce the attendance registers, overtime registers, payment records and other relevant employment records. The Petitioner's witness, however, stated that the records could not be produced on the ground that the claim period was old.

37. *Section 18 of the Minimum Wages Act, 1948* requires the employer to maintain prescribed registers and records containing particulars relating, *inter alia*, to the work performed by employees and the wages paid to them. The statutory obligation to maintain such records is relevant while assessing a claim for overtime, since the actual attendance and duty hours of an employee would ordinarily be reflected in records maintained by the employer.

38. The burden of proving overtime cannot therefore be considered in isolation from the evidentiary circumstances of the case. Once the Respondents produced some material in support of their assertion and the Petitioner, despite being the custodian of the relevant statutory



records, failed to produce those records, the learned Authority was entitled to consider whether an adverse inference ought to be drawn against the Petitioner.

39. It is true that the statutory obligation upon the employer to maintain records does not, by itself, relieve the employee of the initial burden of establishing his claim. However, the law does not require the claimant to produce evidence which is exclusively within the custody of the opposite party. Once the employee places before the learned Authority material which, if accepted, constitutes a *prima facie* basis for his claim, and the employer, who is under a statutory obligation to maintain the relevant records, fails to produce those records or offers an explanation which does not satisfactorily account for their non-production, the learned Authority is entitled to consider the consequences flowing from such failure.

40. The submission of the Petitioner that the initial burden remained upon the Respondents is, therefore, accepted as a statement of the general principle. However, the question is whether that burden was discharged on the facts of the present case. The learned Authority answered that question in favour of the Respondents upon appreciation of the evidence. The conclusion cannot be characterised as one based on no evidence.

41. The Respondents have also relied upon the statement contained in the Petitioner's reply that whatever overtime had been performed by the claimant had been paid for and that no amount remained due. Mere



denial by the employer, without producing any documents such as attendance register or overtime register to show that no overtime was done, is not sufficient to deny the claim to the Respondents.

42. As regards the contention that the duty rotas were not put to the Petitioner's witnesses in cross-examination, the same may have a bearing upon the weight to be attached to the documents. However, the Respondents' reliance upon those documents was known to the Petitioner throughout the proceedings. The documents formed part of the record before the Authority and were relied upon in support of the claims. This circumstance, by itself, cannot render the entire evidentiary exercise undertaken by the Authority unsustainable.

43. The Petitioner had also contended that the Respondents, being employed as *Security Guards, Armed Guards, Head Guards, Inspectors and Supervisors*, were not covered under the provisions of the Minimum Wages Act, 1948. The said contention was also raised before the learned Authority and was duly considered while passing the impugned Awards.

44. The learned Authority, upon consideration of the applicable statutory provisions, observed that the Respondents were covered under the Schedule of "*employment in all Shops and Establishments covered by the Delhi Shops and Establishments Act, 1954 and not covered by any other Schedule*". The Authority further took note of the fact that the Petitioner was a security agency registered under the Private Security Agencies (Regulation) Act, 2005 and, even registered



as an establishment under the Delhi Shops and Establishments Act, 1954. Thus, on that basis, held that the provisions of the Minimum Wages Act, 1948 were applicable to the employment in question.

45. The Petitioner has not demonstrated any error in the aforesaid finding of the learned Authority, hence the same also does not warrant any interference.

46. The Petitioner has next challenged the computation of overtime on the ground that the Authority proceeded on the basis of every calendar day being a working day and thereby included Sundays, weekly days of rest and other non-working days.

47. The manner of computation adopted by the Authority is undoubtedly required to be examined in the context of the evidence placed before it. The learned Authority had before it the monthly duty rotas relied upon by the Respondents, containing particulars of their duty and overtime hours. The Management, on the other hand, did not produce the attendance and deployment records which could have enabled the Authority to ascertain with greater precision the actual number of working days.

48. In these circumstances, the mere possibility that the Respondents may have availed weekly offs, leave or other periods of absence cannot, in the absence of the relevant records, establish that the computation adopted by the Authority was wholly without basis. The learned Authority had to determine the claims on the material available before it, and the Petitioner cannot derive an automatic



advantage from its own inability or failure to produce the very records which could have demonstrated the precise working pattern.

49. At the same time, this Court is not called upon to determine whether every individual entry in the duty rotas was factually correct. Such an exercise would amount to a fresh appreciation of evidence. The question in these proceedings is whether the computation adopted by the Authority is so irrational or unsupported by the record that it warrants supervisory correction. In the facts of the present case, that threshold has not been crossed.

50. The Petitioner has also challenged the award of compensation equivalent to 50% of the amount determined towards differential overtime wages. It has been urged that Section 20(3) of the Minimum Wages Act, 1948 prescribed the permissible compensation and that the Authority could not have travelled beyond the statutory provision by relying upon a decision rendered under the Delhi Shops and Establishments Act, 1954.

51. Hence, it becomes apposite to understand Section 20 (3) of the Minimum Wages Act, 1948, which reads as under: -

“20. Claims—(1) The appropriate government may by notification in the Official Gazette appoint any Commissioner for Workmen's Compensation or any officer of the Central Government exercising functions as a Labor Commissioner for any region or any officer of the State Government not below the rank of Labor Commissioner or any other officer with experience as a judge for a civil court or as a Stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of payment of less than the minimum rates of wages or



in respect of the payment of remuneration for days of rest or for work done on such days under clause (b) or clause (c) of sub-section (1) of section 13 or of wages at the overtime rate under section 14 to employees employed or paid in that area.

XXX

XXX

XXX

(3) When any application under sub-section (2) is entertained the authority shall hear the applicant and the employer or give them an opportunity of being heard and after such further inquiry if any as it may consider necessary may without prejudice to any other penalty to which the employer may be liable under this Act direct :-

(i) in the case of a claim arising out of payment of less than the minimum rates of wages the payment to the employee of the amount by which the minimum wages payable to him exceed the amount actually paid together with the payment of such compensation as the authority may think fit not exceeding ten times the amount of such excess;

(ii) in any other case the payment of the amount due to the employee together with the payment of such compensation as the authority may think fit not exceeding ten rupees;

and the authority may direct payment of such compensation in cases where the excess or the amount due is paid by the employer to the employee before the disposal of the application.

(4) If the authority hearing any application under this section is satisfied that it was either malicious or vexatious it may direct that a penalty not exceeding fifty rupees be paid to be employer by the person presenting the application.

(5) 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.

(6) Every direction of the authority under this section shall be final.

(7) 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)."

52. It emerges that Section 20(3) of the Minimum Wages Act, 1948 delineates the nature and extent of reliefs that may be granted by the learned Authority upon adjudication of a claim preferred under Section 20(1). The provision draws a clear distinction between claims arising *out of payment of less than the minimum rates of wages* and all other *claims* falling within the jurisdiction of the learned Authority. In cases where an employee has been paid less than the minimum rates of wages, the learned Authority is empowered to direct payment of the amount by which the minimum wages payable exceed the amount actually paid and may further award compensation not exceeding ten times such amount. *In contrast, in any other case, including claims relating to remuneration for rest days or overtime work, the Authority may direct payment of the amount due together with compensation not exceeding ten rupees.* The legislature had, therefore, consciously prescribed distinct ceilings of compensation depending upon the nature of the claim.



53. In the present case, the claim pertains to overtime wages allegedly due to the workman under Section 14 of the Act, 1948. The controversy is not one concerning payment of wages below the notified minimum rates. Consequently, the claim does not fall within the ambit of Section 20(3)(i), which governs cases of underpayment of minimum wages. Rather, it squarely falls within the residuary category contemplated under Section 20(3)(ii), namely, a claim for an amount due under the Act other than the deficiency between wages paid and the prescribed minimum wages. The statutory consequence thereof is that while the learned Authority is empowered to direct payment of the overtime wages found due, the compensation awardable in such a case *should not exceed the limit expressly prescribed by the legislature.*

54. The impugned order, however, proceeds to award compensation quantified at 50% of the amount determined towards overtime wages. Such a direction travels beyond the confines of the statutory power conferred by Section 20(3)(ii). The learned Authority, has erred in placing reliance upon the approach adopted by a Coordinate Bench of this Court in its order dated 04.08.2014 in W.P.(C.) 4748/2014, as the same was passed in the context of a distinct statutory provision and factual context. The case pertained a petition filed under Section 21 of the Delhi Shops and Establishments Act, 1954 seeking payment of due wages to the applicants. Neither did the same relate to non-payment of overtime wages nor was it filed under Section 20 of the Minimum Wages Act, 1948. Notably, this Court, merely declined to inference with an Award of compensation of 50% of the Award amount due,



when the statutory cap was of Rs. 100/-, while noting that the amount prescribed is not adequate considering the prevailing economic considerations and further directed that the same be brought to the notice of the competent authorities for appropriate legislative consideration.

55. Notably, the Minimum Wages Act, 1948, under which the claims in question were instituted and the impugned Awards were passed, has since been repealed by the Code on Wages, 2019, enforceable from 21st November, 2025. Section 69 of the same reads as under: -

“69.Repeal and savings.—(1) The Payment of Wages Act, 1936 (4 of 1936), the Minimum Wages Act, 1948 (11 of 1948), the Payment of Bonus Act, 1965 (21 of 1965) and the Equal Remuneration Act, 1976 (25 of 1976) are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the enactments so repealed including any notification, nomination, appointment, order or direction made there under or any amount of wages provided in any provision of such enactments for any purpose shall be deemed to have beendone or taken or provided for such purpose under the corresponding provisions of this Code and shall bein force to the extent they are not contrary to the provisions of this Code till they are repealed under thecorresponding provisions of this Code or by the notification to that effect by the Central Government.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6of the General Clauses Act, 1897 (10 of 1897) shall apply to the repeal of such enactments.”

56. In the present case, the claims were instituted under Section 20 of the Minimum Wages Act, 1948 in respect of periods anterior to the repeal of the said enactment. The claims were thereafter adjudicated



by the competent Authority and culminated in the impugned Awards in the year 2017, much prior to the coming into force of the relevant provisions of the Code on Wages, 2019. The repeal of the enactment, therefore, does not efface the proceedings already instituted or the orders passed thereunder. Hence, the present petitions, which assail the said Awards, have accordingly been considered in the statutory framework in which the claims were instituted, the Awards were rendered and the petitions were instituted.

57. Undisputedly, the Learned Authority, in the instant case was exercising powers under Section 20 of the Minimum Wages Act, 1948. Thus, the Learned Authority being a creature of the statute, it could not have travelled beyond the Statutorily prescribed ceiling, at that time. **In these circumstances, while this Court finds no infirmity in the determination of the overtime wages payable to the workman, the award of compensation quantified at fifty per cent of the overtime dues cannot be sustained.** The impugned order is accordingly modified to the aforesaid extent.

58. Having regard to the fact that the workman has been found entitled to overtime wages for the relevant period and has been deprived of the use of such amount for a considerable duration, the ends of justice would be adequately served by directing payment of interest on the amount awarded towards overtime wages, in place of the impermissible compensation granted by the learned Authority. **The award shall, therefore, stand modified by deleting the compensation component while directing payment of interest @7%**



p.a. from the date of accrual of the claim till realization. The Petitioner shall comply with the respective Awards, subject to adjustment of any amount already deposited or paid in terms thereof, within 8 weeks from date of the judgment.

59. Accordingly, the impugned awards are modified to the aforesaid extent, and petitions are disposed of along with the pending application(s), if any.

60. A copy of the judgment be placed in all the matters.

AMIT MAHAJAN, J

SEPTEMBER 8, 2026

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