

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 37566/2024

(Arising out of impugned judgment and order dated 25-04-2023 in WP(C) No. 20330/2021 passed by the High Court of Orissa at Cuttack)

THE DIRECTOR GENERAL CIPET

Petitioner(s)

VERSUS

M/S CLEAN AND CLEAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.211537/2024-CONDONATION OF DELAY IN FILING and IA No.211541/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 23-09-2024 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Brijender Chahar, A.S.G.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Purnendu Bajpai, Adv.  
Mr. Pratyush Srivastava, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

1. Delay condoned.
2. Heard Mr. Brijender Chahar, learned ASG appearing for the petitioner(s).
3. The counsel would submit that the respondent No. 1 who was engaged as the cleaning agency in the Establishment, was registered under the Odisha Shops and Commercial Establishments Act, 1956. The agency was paying wages at the rate prescribed under the State Act. Therefore, the principal employer should not be burdened to

pay wages to those employees of the Agency (respondent No. 1), under the Minimum Wages Act. In support of such contention, Mr. Chahar cites the ratio in *Lingegowd Detective & Security Chamber (P) Ltd. v. Mysore Kirloskar Ltd. & Ors.* reported in (2006) 5 SCC 180. It is also pointed out that this will have a cascading effect all across many Establishments.

3. Issue notice, returnable in four weeks.

(NITIN TALREJA)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR