

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

WRIT PETITION No. 5542 of 2013

The Nagpur Hotel Owners' Association and another.

..vs..

State of Mah. And another.

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Office Notes, Office Memoranda of  
Coram, appearances, Court's orders    Court's or Judge's orders  
or directions and Registrar's orders.

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Mr. Thakur, counsel for petitioners.

**CORAM : SMT. VASANTI A. NAIK AND  
A. S. CHANDURKAR, JJ.**

**DATED : OCTOBER 17, 2013**

Shri Thakur, the learned counsel for the petitioners, submitted that the final notification impugned in the instant petition fixes much higher rate of wages than that was suggested to be fixed by the draft notification issued in the year 2011. It is submitted that in view of the aforesaid, the petitioners did not have an opportunity to raise an objection in regard to the higher rate that is fixed by the impugned notification. In any case, according to the learned counsel, the notification should have been issued by keeping the provisions of Section 11 (2 & 3) of the Act in view. It is submitted that in the previous notification the hotel and restaurant industry was permitted to deduct 30% towards the food provided to the employees at concessional rate but the present notification does not compute the concession granted by the industry to the employees.

Hence, issue notice to the respondents, returnable on 25.11.2013.

Ms. Tajwar Khan, the learned AGP waives notice on behalf of respondent no.1.

The petitioners are permitted to serve the respondent no. 2 by RPAD in addition to regular mode of service.

Since the petitioners have made out a prima facie case, the impugned notification is stayed on the condition that the owners of hotels, restaurants and eating houses (scheduled employment no. 13) pay 70% of the revised minimum wages, in terms of the impugned notification dated 5.7.2013 to their employees, till the returnable date.

Steno copy of this order is granted on request.

JUDGE

JUDGE

Hirekhan