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

+ **W.P.(C) 1922/2023 and CM APPL. 7341/2023**

MD IMRAN AHMAD

..... Petitioner

Through: Petitioner in person.

versus

GOVERNMENT OF NCT OF DELHI & ANR. Respondents

Through: Mr. Santosh Kr. Tripathi, SC, GNCTD
with Mr. Pradyumn Rao and Ms.
Prashansa Sharma, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

18.09.2023

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1. The present Public Interest Litigation ("PIL") has been filed by the Petitioner stating that under the Job Portal of the Government of NCT of Delhi (GNCTD), a large number of advertisements are being issued in respect of employment, however, the wages prescribed in such advertisements are less than the minimum wages prescribed under the law.

The Petitioner has prayed for the following reliefs:

"i. Issue a writ in the nature of mandamus under Article 226 of the Constitution of India or such other appropriate writ, order or direction, directing the Respondents to immediately stop allowing any individual, company, organization and/or establishment from advertising job vacancy below Minimum Wage on the official portal of the Government of NCT Delhi or at any other place.



ii. Issue a writ in the nature of mandamus under Article 226 of the Constitution of India or such other appropriate writ, order or direction, directing the Respondents to monitor (by online means) the payment made to all employees under their Jurisdiction with the assistance of modern technology and ensure that all employees get the prescribed/fixed Minimum Wage.

iii. To pass such other orders and further orders as may be deemed necessary on the facts and in the circumstances of the case. ”

2. Notice in the present matter was issued by this Court on 14.02.2023 and the Respondents have filed a counter-affidavit in the matter. Paragraphs 3 to 6 of the counter-affidavit read as under:

“3. That the petitioner in this writ petition has raised the issue of advertisement of job/posts on the ‘Rozgar portal’ of the Employment Directorate, GNCTD, for less, than minimum wages notified from time to time. DEGS, IT Department is hostings and maintain ‘Rozgar. Bazar portal’ for the employment. GNCTD.

4. That "Rozgar Bazar Portal" was launched to provide help to the affected by COVID-19 and software was developed so as to enable anyone to post jobs on the portal irrespective of the job categories and specification (Part time, fulltime. gig jobs, freelance etc). The job seekers and the employees get themselves registered for applying/advertising vacancies. Delhi e-Governance Society (DeGS), IT Department is hosting and maintaining this ‘Rozgar Bazar portal’ for the Directorate of Employment, GNCTD.

5. That the issue has been examined and as corrective measure, the Directorate of Employment has written to DeGS for displaying the following Advisory/ Notice to Employers-

"It has been brought to the notice of this Directorate that some employers registered on the



Rojgar Portal are advertising the vacancies in their organization at minimum wages rate less than the prescribed rates of minimum wages as notified by Labour Department time to time.

This may result into violation of MW Act, 1948 if the jobseeker is employed on wages rates advertised by the employer.

All the employers registered on the Rojgar Bazar Portal are hereby directed to strictly adhere to the provisions of Minimum Wages Act, 1948 and the notification/orders issued by Government of NCT of this subject from time to time. Those who do not comply with this notice, their advertisement shall be removed from the Job Portal and they may be debarred from future participation"

DeGS has also been requested to update the software so that vacancy advertised below the minimum wages could not be uploaded. Letter dated 22.08.2023 to DeGS is annexed as Annexure-R-1.

6. That it is further submitted that presently the portal is not functional and the corrective measures as detailed herein before will be visible once the portal becomes functional. "

3. In the aforesaid counter-affidavit, the Respondents have stated that the Rozgar Bazar Portal was launched by GNCTD to help the people affected by the COVID-19 Pandemic and keeping in view the immediate need of the hour, a software was developed so as to enable anyone to post jobs irrespective of the job categories and specifications.

4. The Respondents have further stated that it has been brought to their notice that some employers registered on the Rozgar Bazar Portal are advertising the vacancies in their organization at minimum wages rate less than the prescribed rates of minimum wages as notified by the Labour



Department, GNCTD from time to time. In those circumstances, as such advertisements would be in violation of Minimum Wages Act, 1948, instructions have been issued by the Directorate of Employment, GNCTD to Delhi e-Governance Society (DeGS), IT Dept., GNCTD to not upload such advertisements which are non-compliant with Minimum Wages Act, 1948. The Respondents have also stated that they are taking appropriate steps to update their software portal so that not a single advertisement reflecting wages below the prescribed minimum wages would be uploaded.

5. In light of the aforesaid, no further orders are required to be passed in the present PIL and the same is, accordingly, disposed of. The Respondents are, however, directed that no advertisement is published on the portal which is non-compliant with the Minimum Wages Act, 1948.

SATISH CHANDRA SHARMA, CJ

SANJEEV NARULA, J

SEPTEMBER 18, 2023

N.Khanna