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BEFORE THE AUTHORITY UNDER THE MINIMUM WAGES ACT, 1948, CIRCLE -I,  
GURGAON.

Bibha Devi

APPLICANT

V/S

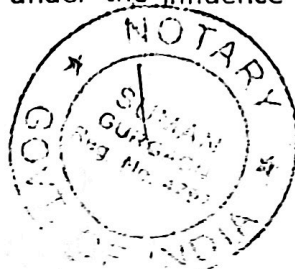
M/s Modelama Exports Ltd.  
Gurgaon

RESPONDENT.

**EVIDENCE ON BEHALF OF THE RESPONDENT BY WAY AFFIDAVIT.**

Affidavit of Shri Sanjeev Yadav S/o Sh ~~Dharam Singh~~....., Asstt Mgr legal/Hr, M/s Modelama Exports Ltd., Gurgaon. I, the above named deponent do hereby solemnly affirm and declare as under :-

1. That I had worked with the management since 2010 as Asstt manager HR and is well verse with the facts of the case. That the present claim petition against the answering management is not maintainable in the present form and is without jurisdiction.
2. That the applicant have not come to the court with clean hands and the claim / application has been filed for malafide considerations and had concealed the actual facts that when she join the establishment she had issued the appointment letter in which the company had mentioned the monthly salary/wages, the applicant had agreed on the same and acknowledge her acceptance the same was much higher than the minimum wages and always getting the wages more than the minimum wages till she left the establishment of her own by way of resignation followed by acceptance of Full and final as such the provisions of minimum wages are not attracted in the matter, only after acceptance of the same when the applicant doesn't filed the equivalent job elsewhere and under the influence had filed the present application on the



wrong, false and concocted facts to enrich in the illegal manner which is reflected by contents of the claim application hence the present claim not to be considered and be filed and dismissed.

3. That the applicant had joined the establishment as final checker on 01/11/2014. The applicant was initially appointed on probation basis for six months and the same would be extended further for 3 months and will be confirmed there after considering the working and conduct of the worker. The applicant had worked with the respondent in 2013 only for month or two on trial basis and had left the establishment. The applicant voluntarily has tendered her resignation of her own and had asked for full and final dues on which the management had simply accepted the same and had given her full and final dues too. The applicant had accepted the full and final dues by way of acknowledgment.
4. That the applicant had never paid wages lower than the minimum wages as prescribed/notify by the Govt. The applicant tries to impose false allegation on the respondent management and the same is also reflected through her claim as the applicant herself stated the version as per salary slips issued by the company the salary fixed or approved by the company was 6800 /- and the same is higher than the minimum wages i.e. 5769.50 /- in such case when the wages/salary is higher than the prescribed minimum wages the provisions of minimum wages are not attracted. The applicant had filed the present application only to harass the management and to make pressure to fetch the monetary benefit in illegal manner and the same is malicious /vexatious. Details of the wages fixed and the minimum wages for that period/year are annexed herewith as Annexure "A" now exhibited as MW-1/1.. and the salary sheets related to the applicant are exhibited as MW-1/2.. to MW-1/21.
5. That the applicant had joined the company in semi skilled "A" category and after the experience of three years may be treated under the category semi skilled "B" considering the above facts/data/working. The applicant had joined the establishment only on 01/11/2014 and left on 27/04/16 with in 1.5 year approx how could be considered for above rank and the above provisions are attracted/applicable in case where the worker is getting the minimum wages not

Joined the  
company as  
Final  
checker.

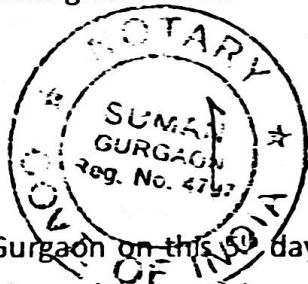


in case where he/she gets the salary/wages higher than the prescribed minimum wages.

A form filled up during job interview which asked for years of experience.

6. That the worker/applicant when had approached the respondent management for job in Nov 2014 she had not disclose about her experience at all and had concealed the facts regarding previous working as such the respondent company is not at all aware about the experience of the applicant. The respondent used to issue salary slips to the applicant in which the salary and the bifurcation of the wages were reflected. The applicant had worked with the company on her on will and had also left as per her will there was no compulsion of doing job with the company as there is always much demand of checker/final checkers in the garment industry. The applicant had presented the story only to cover/hide her illegal motive and it is not believable that workers are not aware about the revision of minimum wages each and every worker now a day are very much aware and had knowledge about each and every aspect related to the workers, moreover the companies also mentioned the changes in the minimum wages as and when made by the Govt. on the notice board.

7. That the present application is not maintainable, bad in law and is without jurisdiction on account of the detailed reasons as mentioned in written statement and in my affidavit. Since there is no basis at all in the present application and the same is also proved by the documents provided by the applicant itself, as such the applicants are not entitled to any relief for the detailed reasons given above.



Sanjiv Yadav  
Deponent

Verification:

Verified at Gurgaon on this 20 day of July 2017 that the contents of my above affidavit are true and correct to my knowledge and nothing has been concealed therefrom.

ATTESTED  
ADVOCATE & NOTARY  
COURTS GURGAON

Sanjiv Yadav  
Deponent

20 JUL 2017