



2026:CGHC:6184-DB

**NAFR****HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 155 of 2024**

**1** - Mayur Chauhan S/o T. C. Chauhan, Aged About 38 Years Manager, K.E.C. International Ltd, Telecom Division, Sai Mandir Road, Bhagwanpur, Police Station And Tahsil Ambikapur, Civil And Revenue District Surguja, Chhattisgarh

**2** - Madan Ojah, S/o Shri Ishnarayan Ojha, Aged About 44 Years Head Clerk, K.E.C. International Ltd., Telecom Division, Sai Mandir Road, Bhagwanpur, Police Station And Tahsil Ambikapur, Civil And Revenue District Surguja (Ambikapur), Chhattisgarh

**3** - Ramesh Jha, S/o Shriam, Ahlad Jha, Aged About 47 Years Manager, Rama Security Agency, Trikon Chowk, Ambikapur, Police Station And Tahsil Ambikapur, Civil And Revenue District Surguja (Ambikapur), Chhattisgarh

**4** - Rajesh Ojha, S/o Shri Ishnarayan Ojha, Aged About 51 Years Manager, Rama Security Agency, Trikon Chowk, Ambikapur, Police Station And Tahsil Ambikapur, Civil And Revenue District Surguja (Ambikapur), Chhattisgarh

**5** - Ashish Pandey, S/o Krishna Kumar Pandey, Aged About 34 Years Manager, Rama Security Agency, Trikon Chowk, Ambikapur, Police Station And Police Ambikapur, Civil And Revenue District Surguja (Ambikapur), Chhattisgarh

**... Appellants**

**versus**

**1** - State of Chhattisgarh Through The Collector, District Surguja, Chhattisgarh



**2** - Sub Divisional Magistrate Town, Ambikapur, District Surguja (Ambikapur), Chhattisgarh

**3** - Jay Singh, S/o Vijay Singh Aged About 49 Years R/o Bhitthikala, Tahsil And Police Station Ambikapur, Civil And Revenue District Surguja (Ambikapur), Chhattisgarh

**4** - Ashish Jaiswal, S/o Mohitlal, Aged About 47 Years R/o Pandri, Tahsil And Police Raghunath Nagar, Civil And Revenue District Balrampur, Chhattisgarh

**5** - Masir Ansari, S/o Sahabuddin, Aged About 49 Years R/o Shramnagar, Tahsil And Police Station Wadrafnagar, Civil And Revenue District Balrampur Chhattisgarh.

**... Respondents**

(Cause-title taken from Case Information System)

For Appellants	:	Mr. Ashok Kumar Shukla, Advocate
For State/Respondents No.1 and 2	:	Mr. Priyank Rathi, Government Advocate
For Respondent No.3 and 4	:	None

**Hon'ble Shri Ramesh Sinha, Chief Justice**

**Hon'ble Shri Ravindra Kumar Agrawal, Judge**

**Judgment on Board**

**Per Ramesh Sinha, Chief Justice**

**04.02.2026**

1. Heard Mr. Ashok Kumar Shukla, learned counsel for the appellants as well as Mr. Priyank Rathi, learned Government Advocate, appearing for the State/respondents No.1 and 2.
2. Though notice has been duly served upon respondents No. 3 and 4, they have failed to enter appearance either in person or through their respective counsel. Since respondent No. 5 is a



formal party, this Court has not issued notice to the said respondent.

3. By way of this writ appeal, appellants have prayed for following relief(s):-

*“It is, therefore prayed that, in view of the above, the impugned order dated 12/02/2024 (Annexure-A/1) may kindly be set-aside allowing the writ petition.”*

4. The present intra Court appeal has been filed against the order dated 12.02.2024 passed by the learned Single Judge in WPS No.1558/2014 (*Mayur Chauhan and others v. State of Chhattisgarh and others*), whereby the writ petition filed by the writ petitioners has been disposed of.
5. The brief facts projected before the learned Single Judge were that writ petitioner Nos. 1 and 2 are running a company namely *Kamani Engineering Corporation International Ltd.* For the purpose of running its business, mobile towers were erected on lands belonging to villagers, and security services for the said towers were provided through *Rama Security Services Agency*. The security agency assured payment of wages to the security guards at the rate of ₹5,000/- per month and contribution towards Personal Provident Fund at the rate of ₹443/- per month. Respondents Jay Singh and Ashish Jaiswal were engaged as Security Guards through the said security agency and were



working since the year 2008. Alleging that they were being paid wages lower than the prescribed rates, they moved an application dated 17.10.2012 before the Sub-Divisional Magistrate, Ambikapur, seeking payment of arrears of wages along with the amount of Personal Provident Fund with interest.

6. The learned Sub-Divisional Magistrate entertained the application and issued notice to the present writ petitioners, pursuant to which a reply dated 30.10.2012 was filed denying the allegations and contending that the claim was frivolous and untenable. During the course of enquiry, the statement of Ashish Pandey, Manager of Rama Security Services Agency, was recorded on 28.06.2013, wherein he clarified that a contractual agreement existed between BR International Limited and Rama Security Services for providing security to the mobile towers. As per the said contract, a consolidated amount of ₹5,000/- per month per site was payable to the security agency, and no additional expenses were borne by the company. The security agency was required to manage all expenses, including payment of wages to the security guards, from the said amount. It was also pointed out that there was no written agreement between the security agency and the security guards fixing monthly wages, and the wages depended upon the nature of duties and working hours.
7. Despite objections regarding maintainability and jurisdiction, the learned Sub-Divisional Magistrate allowed the claim of the



applicants and directed payment of wages and Personal Provident Fund with interest. An appeal preferred before the District Magistrate, Surguja, came to be dismissed. Consequently, W.P.S. No. 1558 of 2014 was filed, as no alternative remedy was available.

8. The said writ petition seeking identical reliefs was disposed of by remanding the matter to the Sub-Divisional Magistrate, despite the contention that the said authority lacked jurisdiction to adjudicate the dispute.
9. Being aggrieved by the order dated 12.02.2024, passed by the learned Single Judge, the present writ appeal has been preferred.
10. Learned counsel for the appellants submits that the learned Single Judge, having categorically held that the impugned order passed by the Sub-Divisional Magistrate was without jurisdiction and illegal, erred in remitting the matter back to the very same authority for fresh adjudication instead of quashing the order in toto. Such remand, it is submitted, is wholly unwarranted, contrary to settled principles of law, and unsustainable. It is further submitted that the learned Single Judge failed to consider that the learned Sub-Divisional Magistrate had no jurisdiction or authority to entertain the application filed by the respondents either under the provisions of the Minimum Wages Act or under the Payment of Wages Act. The claim, if any, for payment of wages could only have been adjudicated by the competent authority under the



labour laws, namely the Labour Commissioner or the Labour Court. Therefore, the impugned order lacked legal sanctity and ought not to have been permitted to stand.

11. Learned counsel for the appellants further submits that even on merits, the learned Sub-Divisional Magistrate himself recorded a finding that the applicants had failed to establish their claim, yet proceeded to allow the application. There is no material on record to substantiate or prove the respondents' claim for payment of wages or contribution towards the Provident Fund. On this ground as well, the impugned order is liable to be set aside. It is lastly submitted that the learned Single Judge overlooked the settled proposition of law that an order passed by an authority lacking jurisdiction is void *ab initio*, and such defect cannot be cured or jurisdiction conferred by an order of remand upon an otherwise incompetent authority.
12. On the other hand, learned State counsel submits that the order passed by the learned Single Judge is legal, proper and well-reasoned, and that the remand was justified in the interest of justice. It is contended that no interference is warranted in the impugned order.
13. We have heard learned counsel for the parties and perused the impugned order as well as materials available on record.
14. After appreciating the submissions of learned counsel for the parties as also the materials on record, the learned Single Judge



has passed the impugned order in following terms:-

*“5. This petition has been filed under the classification of Writ Petition Service. Though, this Court does not find any service dispute but considering that the matter has been filed way back in the year 2014, almost ten years back, and further considering the nature of the order, this Court finds appropriate to direct the respondent No.2 to decide the issue raised by the petitioner which relates to the jurisdiction of respondent No.2 and whether respondent No.2 is competent to entertain a complaint against the functioning of the Labour Court and could grant any relief under any statute. The learned S.D.M./respondent No.2 after affording opportunity to both the sides, pass a fresh speaking order mentioning the relevant statutory provision and rules preferably within a period of six months after receipt/presentation of this order. If any adverse order is passed, then the aggrieved party may avail the statutory remedy available to them in accordance with law.*



6. *With the aforesaid observation, this Petition along with pending interlocutory application stands disposed of."*

15. Having given anxious consideration to the rival submissions advanced on behalf of the parties and upon a careful perusal of the record, this Court is of the considered opinion that the learned Single Judge, after having recorded a categorical finding that the Sub-Divisional Magistrate lacked jurisdiction to entertain the application filed by the respondents and that the order passed by him was illegal, committed a manifest error in remanding the matter back to the very same authority for fresh adjudication.
16. It is a well-settled proposition of law that when an authority acts without jurisdiction, the order so passed is void *ab initio* and non est in the eyes of law. Such an order cannot be sustained on any ground, nor can the defect of lack of jurisdiction be cured by an order of remand. Jurisdiction cannot be conferred upon an incompetent authority either by consent of parties or by judicial directions. In such circumstances, the only course open to the Court is to quash the proceedings and the resultant orders in their entirety.
17. In the present case, it is not in dispute that the Sub-Divisional Magistrate does not derive jurisdiction under either the Minimum Wages Act or the Payment of Wages Act to adjudicate claims relating to payment of wages or provident fund contributions. The



competent forum for adjudication of such disputes lies under the labour law framework before the appropriate authority, namely the Labour Commissioner or the Labour Court, as the case may be. Therefore, permitting the Sub-Divisional Magistrate to re-examine the matter afresh, despite the clear lack of jurisdiction, amounts to perpetuating an illegality rather than rectifying it.

- 18.** Furthermore, this Court finds substance in the contention of the appellants that even on merits, the claim of the respondents was unsupported by any cogent material or documentary evidence. The record reveals that the learned Sub-Divisional Magistrate himself noted the failure of the applicants to establish their entitlement, yet inexplicably proceeded to allow the application. Such an approach is wholly unsustainable in law.
- 19.** In view of the foregoing discussion, this Court is of the firm opinion that the impugned order dated 12.02.2024 passed by the learned Single Judge suffers from patent infirmity to the extent it remands the matter to an authority lacking inherent jurisdiction. The interests of justice would be better served by setting aside the impugned order and quashing the entire proceedings initiated before the Sub-Divisional Magistrate.
- 20.** Accordingly, the writ appeal is allowed. The impugned order dated 12.02.2024 passed by the learned Single Judge in WPS No.1558 of 2014 is hereby set aside. Consequently, the original order passed by the Sub-Divisional Magistrate as well as the appellate



order passed by the District Magistrate are also quashed. It is, however, clarified that this order shall not preclude the respondents from availing such remedy as may be available to them under law before the competent forum, in accordance with law.

**21.** There shall be no order as to costs.

**Sd/-**

**(Ravindra Kumar Agrawal)**  
**Judge**

**Sd/-**

**(Ramesh Sinha)**  
**Chief Justice**

Anu