



2026:AHC-LKO:17201-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

PUBLIC INTEREST LITIGATION (PIL) No. - 626 of 2023

Sandeep Singh

.....Petitioner(s)

Versus

Union Of India Represented By Secy. Rural Dev.
Delhi And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashutosh Kumar Singh, Amit Prakash Upadhyay, Vijay Bahadur Singh
Counsel for Respondent(s)	: A.S.G.I., C.S.C.

Court No. - 1

HON'BLE RAJAN ROY, J.

HON'BLE ABDHESH KUMAR CHAUDHARY, J.

1. Heard Shri Vijay Bahadur Singh, learned counsel for the petitioner, Shri Mahendra Kumar Mishra, learned counsel for the opposite parties no. 1 to 3 and Ms. Akansha Dubey, learned Additional Chief Standing Counsel for the State.

2. On 05.01.2026 we had passed the following order:-

"1. In spite of the order dated 17.7.2023, till date the opposite parties have not filed any counter affidavit.

2. The short point involved herein is as to whether the labourers engaged for doing work under Mahatama Gandhi Rozgar Guarantee Scheme under the Mahatama Gandhi National Rural Employment Guarantee Act, 2005 (in short "the Act, 2005") are entitled for minimum wages as per under the Minimum Wages Act, 1948 (in short "the Act, 1948") or not. In fact, the Act, 2005 itself defines minimum wages under Section 2 (h), which reads as under:-

"(h) "minimum wage", in relation to any area, means the minimum wage fixed by the State Government under section 3 of the Minimum Wages Act, 1948 (11 of 1948) for agricultural labourers as applicable in that area."

3. If the Mahatama Gandhi Rozgar Guarantee Scheme is under the Act, 2005 then apparently the wages to be paid to the labourers working under the said scheme should be the minimum wages fixed by the State Government under Section 3 of the Act, 1948 for agricultural labourers as applicable in that area. It is informed that the wages being paid as on date in the State of U.P. are Rs. 230/- per day, which is less than the minimum wages fixed by the State under the Act, 1948, however, the notification or decision under Section 3 of the Act, 1948 pertaining to the agricultural labourers is not on record.

4. Let the Additional Chief Standing Counsel Sri V.P. Nag place before the Court relevant notifications or decisions referred above prescribing the minimum wages payable to agricultural labourers in the State of U.P. under Section 3 of the Act, 1948.

5. The opposite parties shall file an affidavit in response to the writ petition before the next date.

6. List on 21.01.2026.

7. We caution the opposite parties that if the required affidavit is not filed, we will be compelled to impose heavy cost or dispose of the matter based on the pleadings and material on record."

3. We have been informed that in September, 2024 an affidavit had been filed on behalf of the State Authorities.

4. Having gone through the same we do not find the issue dealt with in our order dated 05.01.2026 as having been addressed in that counter affidavit.

5. Ms. Akansha Dubey, learned Additional Chief Standing Counsel for the State has placed before the Court two notifications dated 17.07.2025 and 27.03.2025. According to the notification dated 17.07.2025 the minimum wages for agricultural labourer is Rs.252.00 per day in the entire State of Uttar Pradesh. The same wages have been prescribed by another notification dated 27.03.2025 i.e. Rs.252.00 per day in the entire State of Uttar Pradesh, under Section 6 of the Mahatma Gandhi National

Rural Employment Guarantee Act, 2005. Both the notifications are taken on record.

6. On being confronted learned counsel for the petitioner did not have any reply.

7. We, accordingly, dispose of this writ petition in the aforesaid terms with the observations that the wages payable under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 referred in our order dated 05.01.2026 would be the same as determined under the Minimum Wages Act, 1948 if the Mahatma Gandhi Rojgar Scheme has been framed under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 in view of the definition of minimum wages contained in Section 2(h) of the Act, 2005.

8. With the aforesaid observations, the writ petition is finally **disposed of.**

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

March 9, 2026

R.K.P.