

Cwp No.9003 of 2014 Vs. Authority Appointed Under the Payment of Wages Act 1936 Circle-4

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Court : Punjab and Haryana

Decided On : May-12-2014

Appellant : Cwp No.9003 of 2014

Respondent : Authority Appointed Under the Payment of Wages Act 1936 Circle-4

Judgement :

CWP No.9003 of 2014 -1- ***** IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CWP No.9003 of 2014 Date of decision: 12.05.2014 M/s Night Fashion ...Petitioner versus Authority appointed under the Payment of Wages Act, 1936, Circle-4, Faridabad ...Respondents CORAM: HONBLE MR.JUSTICE GURMEET SINGH SANDHAWALIA ***** Present: Mr.Vaibhav Sehgal, Advocate for the petitioner.

***** G.S.SANDHAWALIA, J.

(Oral).1.

The challenge in the present writ petition is to the exparte order dated 6.12.2010 (Annexure P/5) passed by the Authority appointed under the Payment of Wages Act, 1936, Circle-4, Faridabad whereby a sum of ` 73,293/- has been calculated to be paid to the respondent No.2-workman.

2 The stand of the petitioner is that the establishment had closed its business and, therefore, could not put in appearance and resultantly the exparte order was passed.

It is also pointed out that the demand is for non payment of wages from 1.12.2009 to 28.2.2010.

The monthly wages were ` 4442/- per month and total amount quantified was ` 6,663/- but the amount awarded is ` 73,293/-.

It is further pointed out that the workman had also approached the police authorities along with co-workers and their claims had been settled by way of Kumar Pardeep 2014.05.12 16:09 I attest to the accuracy and integrity of this document Punjab and Haryana High Court, Chandigarh CWP No.9003 of 2014 -2-**** compromise and the respondent no.2-workman had also been paid an amount of ` 8606/-by way of cheque on 10.5.2010.

Accordingly, it is submitted that due to reasons beyond its control the petitioner could not put in appearance to defend its case.

3.

After hearing counsel for the petitioner, this Court is of the opinion that it would be appropriate if the petitioner is permitted to approach the Authority concerned itself to recall its order since the Authority would be in a better position to adjudicate the issue as to whether the petitioner was served in a proper manner.

The Authority shall also take into consideration the fact that the claim of the workman was to the tune of ` 6663/- and the amount awarded is ` 73,293/- and whether the issue already stood settled between the parties.

5.

With the aforesaid observations, the present writ petition is disposed of with liberty to the petitioner to approach the Authority concerned who shall entertain the application in accordance with law and decide it on merits.

12.05.2014 (G.S.SANDHAWALIA) Pka JUDGE Kumar Pardeep 2014.05.12 16:09
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