

(1997) 05 DEL CK 0001

In the Delhi High Court

Case No : Civil Writ Appeal No. 4812 of 1996

Dal Chand

APPELLANT

Vs

Secretary (Labour) and Labour Commissioner and Another

RESPONDENT

Date of Decision : 21-05-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 67 DLT 466 : (1997) 2 LLJ 339

Hon'ble Judges : Chander Mohan Nayar, J

Bench : Single Bench

Advocate : Ashok Aggarwal, A. Ahlawat, Gopal Singh and B.C. Pandey, for the Appellant;

Judgement

C.M. Nayar, J.

(1) The present petition is directed against respondent No. 1 to pay to the petitioner forthwith a sum of Rs. 9827.84 which the said respondent received from respondent No. 2. The petitioner was employed by respondent No. 2. as a Khalasi Mazdoor and the Presiding Officer, Labour Court No. 1I, Delhi vide orders dated 18th May, 1994 in Labour Court Application No. 7/90 computed a sum of Rs.9827.84 and passed an order in favour of the petitioner and against respondent No.2. Respondent No. 1 issued recovery certificate as far back as on 15th November, 1994 to the District Collection Officer, Delhi for recovery of the said sum of Rs. 9827.84 from respondent No. 2. The said officer recovered the sum from respondent No. 2 and deposited the same with respondent No. 1 for payment to the petitioner. However, respondent No. 1 did not proceed further in the matter and refused to pay the amount to the petitioner without any valid reason. It is unfortunate that a small sum of Rs. 9827.84 which was legally due to the petitioner who was employed as a Mazdoor was withheld from him without any valid cause by respondent No.1. The only reason which is now orally stated before me is that respondent No. 1 was contemplating filing an appeal before an appropriate forum. The said appeal, however, was not filed and the amount of

Rs. 9827.84 was wrongly withheld from the petitioner without any valid justification. The cheque which was handed over the respondent No. 1, it is stated is dated 16th December, 1994 and the learned Counsel for the said respondent has now stated that they are willing to hand over to cheque to respondent No. 2 for revalidation so that the same be given to the petitioner.

(2) This is a case of gross negligence and callous behavior on the part of respondents to withhold the payment for such a long period.

(3) Taking an overall view of the facts and circumstances of the present case, the principal amount of Rs. 9827.84 will be paid by respondent No. 2 directly to the petitioner who shall also be entitled to simple interest thereon at the rate of 18% per annum with effect from 16th December, 1994 till the fresh cheque is handed over to him. The said amount as well as costs quantified at Rs. 5,000.00 shall be paid to the petitioner by respondent No. 1 within two weeks from today. The Secretary (Labour) shall hold an enquiry in the matter and fix the responsibility and also consider recovery of the amount of interest and costs from the person responsible for withholding the payment from the petitioner for such a long period. This petition is allowed in the above terms. Petition allowed.