

(2018) 09 UK CK 0074

In the Uttarakhand High Court

Case No : Writ Petition No. 3344 of 2017 (M/S), Writ Petition No. 3258 of 2017 (M/S), Writ Petition No. 3266 of 2017 (M/S)

M/s Vrahmurti Flexi Rub India Pvt. Ltd & Others

APPELLANT

Vs

Additional Labour Commission and Prescribed Officer,
Payment of Wages Act, 1936 Haridwar and Others

RESPONDENT

Date of Decision : 20-09-2018

Acts Referred:

Payment of Wages Act, 1936 — Section 15(2), 17

Citation : (2018) 09 UK CK 0074

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : Navneet Kaushik, Ashutosh Thakral

Final Decision : Dismissed

Judgement

Sudhanshu Dhulia, J.

1. The workmen/private respondents had moved an application under Section 15(2) of the Payment of Wages Act, 1936 with a plea that the employer

i.e. the petitioner before this Court has withheld their wages under various accounts. Opportunity was given to the employer on various occasions and

thereafter on 24.05.2017 opportunity of the petitioner to lead evidence was closed. Thereafter on 27.07.2017 an Award was passed by the Prescribed

Authority under the Payment of Wages Act, 1936 allowing the application of the workmen awarding the amount illegally deducted by the employer

and eight times of the said amount was also directed to be paid by the employer/petitioner to the workmen as compensation. Against this order, the

employer has filed the present writ petitions.

2. Most of the workmen have moved an application for payment of their waged

amounting from Rs. 26,522/- (Rs. Twenty Six Thousand Five

Hundred Twenty Two only) to Rs. 26,898/- (Rs. Twenty Six Thousand Eight Hundred Ninety Eight only). While admitting the writ petitions, a

Coordinate Bench of this Court had directed the petitioner to deposit a sum of Rs. 30,000/- (Rs. Thirty Thousand only) in each of the petitions, which

has been deposited.

3. The case of the petitioner before this Court is that before closing down their opportunity for leading evidence on 24.05.2017, they were not heard.

4. Learned counsel for the private respondents Mr. Ashutosh Thakral has made a preliminary objection that the writ petition is in fact not maintainable

inasmuch as the order of the Prescribed Authority under Section 15(2) of the Payment of Wages Act, 1936 is appealable under Section 17 of the

Payment of Wages Act, 1936 and moreover the statute which provides for appeal also categorically states that before filing the appeal, the entire

amount has to be deposited.

5. The entire legislation seems to be workmen beneficial legislation. Learned counsel for the workmen has also apprised this Court that the workmen

are extremely poor person and have necessarily been dragged to litigation before this Court.

6. In view thereof, writ petitions are dismissed on ground of alternative remedy. It is, however, directed that out of amount of Rs. 30,000/- (Rs. Thirty

Thousand only) deposited by the petitioner, an amount of Rs. 20,000/- (Rs. Twenty Thousand only) will be paid to each of the private respondents, for

the cost incurred by them in the litigation and the remaining Rs. 10,000/- (Rs. Ten Thousand only) shall be returned to the petitioner.

7. Rs. 20,000/- (Rs. Twenty Thousand only) shall be transferred to the account of each of the workmen and in case they do not have an account, then

the Demand Draft shall be handed over to them.