

(2018) 07 UK CK 0006

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 845 of 2018

Rizwan Ahmad

APPELLANT

Vs

Prescribed Officer, Payment of Wages Act, 1936/ Additional
Labour Commissioner Haridwar & others

RESPONDENT

Date of Decision : 03-07-2018

Acts Referred:

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

Citation : (2018) 07 UK CK 0006

Hon'ble Judges : SHARAD KUMAR SHARMA, J

Bench : Single Bench

Advocate : Navneet Kaushik, Anurag Bisaria

Final Decision : Disposed Off

Judgement

SUDHANSHU DHULIA, J. (ORAL)

1. Some of the workers who were working at a construction site, for the construction of petitioner's factory moved an application for payment of

wages under Section 15 (2) of the Payment of Wages Act, 1936. The Prescribed Authority, Payment of Wages Act passed an ex parte order dated

25.05.2012 directing the petitioner to pay an amount of Rs. 3,46,800/- (Rupees Three Lakh Forty Six Thousand Eight Hundred only) to the workers,

which according to the Prescribed Authority was illegally deducted from the wages of these workers. An equal amount of penalty i.e. Rs. 3,46,800/-

(Rupees Three Lakh Forty Six Thousand Eight Hundred only) was also imposed upon the petitioner. The petitioner was directed to pay a total amount

of Rs. 6,93,600/- (Rupees Six Lakh Ninety Three Thousand Six Hundred only). Thereafter, the petitioner has put in appearance before the authority

and moved an application for recalling the order dated 25.02.2012. The

application filed by the petitioner for recalling the order dated 25.02.2012 was allowed and vide its order dated 26.03.2014, the Prescribed Authority recalled its ex parte order dated 25.02.2012. However, due to non-appearance of the petitioner later, the Prescribed Authority vide its order dated 16.12.2016 revived its earlier order dated 25.05.2012 and now the recovery proceeding has been initiated against the petitioner. Hence, the petitioner has filed the present writ petition.

2. In my considered opinion, the matter must be heard on its merits by the concerned authority. Let the petitioner appear before the Prescribed

Authority, Payment of Wages Act, Haridwar in the week commencing 16.07.2018. The Prescribed Authority after giving due notice to the petitioner

shall hear the case on its merit.

3. Meanwhile, the amount of Rs. 3,46,800/- (Rupees Three Lakh Forty Six Thousand Eight Hundred only) which has been deposited by the petitioner

with the Registry in compliance of this Court's order dated 06.04.2018 shall be transferred by the Registry to the Prescribed Authority. This

amount shall only be released by the Prescribed Authority after the determination of the case.

4. With the directions as above, writ petition stands disposed.