
(1995) 08 RAJ CK 0009
In the Rajasthan High Court
Case No : C.W.P. No. 2707 of 1995

Textile Labour Union

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 28-08-1995

Acts Referred:

Payment of Wages Act, 1936 — Section 15

Citation : (1995) 3 LLJ 467 : (1996) 2 WLC 62

Hon'ble Judges : N.L. Tibrewal, J

Bench : Single Bench

Advocate : V.L. Mathur, for the Appellant;

Judgement

N.L. Tibrewal, J.—The petitioner is a registered Labour Union related to A.I.T.U.C. The grievance put in this petition is that inspite of the claims having been allowed by the Payment of Wages Authority, Ajmer, u/s 15(2) of the Payment of Wages Act, 1936 (hereinafter to be referred to as the Act), the concerned opposite partly failed to pay the wages awarded by the Authority under the Payment of Wages Act for a considerable period and no effective step is taken by the Authority for the recovery of the amount directed to be paid u/s 15 of the Act.

2. Needless is to say, the Act of 1936 is a remedial legislation and the general purpose of the Act appears to provide that the employed persons, covered under the Act, be paid their wages in a particular form and at regular intervals and without any unauthorised deduction. The Act is aimed to compel employers who have employed certain persons drawing certain wages to make prompt and full payment of wages to which these employees are entitled. u/s 15 of the Act, the Authority under the Payment of wages Act can decide all claims arising out of deductions from the wages, or delay in payment of the wages. Under Sub-section (3), the authority hears such claims and after holding an inquiry, the necessary direction for payment of wages and compensation, as the Authority may think fit, is passed. The very purpose of this social legislation shall be defeated in case the Authority under the Act does not take prompt and timely action in cases where

payments are not made inspite of passing of final direction/orders. Passing of orders/directions on the claim petitions themselves would not serve the purpose behind the Act unless the amount is recovered in time and paid to the employees. This is the exact grievance which has been put by the Union. In support of the contention copies of certain orders have been filed, which were passed by the Authority under the Act, to show that some orders were passed as back as in the year 1987 and more than 8 years have passed, but still no recovery has been made. This is really startling and such delay frustrates the order of payment of wages or compensation passed by the Authority under the Act.

3. Sub-section (5) of Section 15 provides a mode for the recovery of the amount which reads as under:

"Section 15(5). Any amount directed to be paid under this Section may be recovered: (a) if the authority is a Magistrate, by the authority as if it were a fine imposed by him as Magistrate, and

(b) if the authority is not a Magistrate by any Magistrate to whom the authority makes application in this behalf, as if it were a fine imposed by such Magistrate".

4. After passing a direction/order for payment under Section-15, if the same is not paid by the concerned employer/industry, it is desirable that the Authority should proceed immediately under the aforesaid provisions for recovery of the amount and no such direction was needed by this Court. In fact, it is the duty of the concerned authority to see that the amount directed to be paid by it u/s 15 is recovered promptly and action is taken against the defaulting institution.

5. Consequently, even without any notice to the respondents, I direct the concerned Authority under the Payment of Wages Act, after drawing its attention towards the object and the provisions contained in Sub-section 5 of Section 15, to take necessary action under the said Act for prompt recovery of the amount. I hope and trust that keeping in view the object, no further delay shall be made in the matter.

6. The concerned Magistrates are also expected to proceed expeditiously in such matters whenever any such matter is referred to them for the recovery of the amount.

7. The petition stands disposed of as indicated above.