

(2021) 06 UK CK 0157

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 1222 Of 2021

Vidit Jain

APPELLANT

Vs

Presiding Authority Payment Of Wages Act And Assistant
Labour Commissioner Haridwar And Others

RESPONDENT

Date of Decision : 30-06-2021

Acts Referred:

Payment Of Wages Act Of, 1936 — Section 15(2), 15(3)
Constitution Of India, 1950 — Article 226

Citation : (2021) 06 UK CK 0157

Hon'ble Judges : Sharad Kumar Sharma, J

Bench : Single Bench

Advocate : Ashutosh Thakral, Suyash Pant

Final Decision : Disposed Of

Judgement

Sharad Kumar Sharma, J

(Via Video Conferencing)

1. The present petition has been preferred by the petitioner, who is the workman, for the following reliefs:-

â??(i) issue an appropriate order or direction in the nature of mandamus commanding/directing the Assistant Labour Commissioner and Presiding

Authority under the Payment of Wages Act i.e. the Respondent no. 1 i.e. the Assistant Labour Commissioner /Presiding Authority under the Payment

of Wages Act to initiate and expedite recovery of the amount of Rs. 1,15,600/-, payable to petitioner in pursuance to the Award dated 25.01.2018

passed in PWA No. 6 of 2014, â??Vidit Jain Vs. M/s Cooper Chimney Catering Company.â??

(ii) Issue an appropriate order or direction in the nature of mandamus

commanding/directing the Collector, Haridwar i.e. Respondent No. 2 to ensure speedy enforcement of the award after issuance of recovery citation by the Respondent No. 1.

(iii) to issue any suitable writ, order or direction of any nature which this Honâ??ble Court may deem fit and proper in the interest of justice

considering the present circumstances of the case.

(iv) to award the cost of the writ petition in favour of the petitioner.â??

2. The Registry has reported that there are two defects that the Interim Relief Application has not been signed by the counsel, and the writ petition

has been preferred under a wrong Article.

3. As far as the defect No. 1 is concerned, since looking to the nature of relief sought for, since no interim relief is required to be considered in the

present case, hence the same is overruled. As far as the reference of Article is concerned, since it is a formal mistake, which has chanced, hence this

writ petition is directed to be treated as to be a writ petition under Article 226 of the Constitution of India.

4. The contention of the petitioner is that on an application, which was filed by him under Section 15(2) of the Payment of Wages Act of 1936, the

same was registered before the competent authority as Payment of Wages Act Case No. 6 of 2014, Vidit Jain Vs. M/s Cooper Chimney Catering

Company, and the same has been decided on merits by an award which was rendered on 25.01.2018, and as a consequence of rendering of the said

award, the arrears of wages, which has been assessed to be payable to the petitioner, is of Rs. 1,50,600/-, the same has not been remitted to the

petitioner till date.

5. The petitioner has argued and had also pleaded in the writ petition that in view of the proviso to Section 15(3) of the Act, the matter has to be

expeditiously decided, since it relates to the payment of wages to a workman, which happens to be the source of subsistence of workman and his

family.

6. In that eventuality, he submits that despite the award, having been rendered on 25.01.2018 till date, the same has not been executed and hence he

has prayed for in the present writ petition, for an appropriate direction to the Assistant Labour Commissioner and the Presiding Officer, as created

under the Payment of Wages Act to expedite the proceedings of the recovery of the awarded amount, by enforcing the award dated 25.01.2018 and

also that the Collector, District Haridwar, may be directed to ensure the recovery of the said amount.

7. Without venturing into the merits of the matter, and looking to the implications and the objective of the Act itself, which takes the shape of being a welfare legislation and particularly, considering the fact that the petitioner's rights has already been adjudicated and crystallised on 25.01.2018, this

writ petition is being disposed of with a direction to respondent Nos. 1 & 2, that they would jointly ensure to enforce the award dated 25.01.2018, as it

has been rendered, under the Payment of Wages Act Case No. 6 of 2014, Vidit Jain Vs. M/s Cooper Chimney Catering Company, as expeditiously

as possible, but not later than six weeks, from the date of presentation of the certified copy of this judgment.

8. Subject to the above observations, the writ petition stands disposed of.