

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(6188/2025) IN LPA 234/2025

MOHAMMAD QASIM SHEIKH ...Petitioner/Appellant(s)

Through: Mr. Mohammad Saleem Mir, Advocate

Vs.

AUTHORITY UNDER PAYMENT OF WAGES ACT KASHMIR DIVISION AND ORS. ...Respondent(s)

Through: Ms. Rehana, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

04.08.2026

CM No. 6188/2025

1. The applicant proposes to file the accompanying Letter Patent Appeal to throw challenge to an order and judgment dated 29th August, 2024 passed by the learned Single Judge of this Court ["the writ Court"] in OWP No. 771/2007 titled "*Abdul Jabbar Sheikh Vs. Authority under Payment of Wages Act & Anr.*", whereby the writ Court has allowed the writ petition filed by the respondent No. 2 to 6, the legal heirs of late Abdul Jabbar Sheikh, and set aside the award dated 17th July, 2001 of the Deputy Labour Commissioner, Kashmir (Authority under the Payment of Wages Act, 1936).
2. The appeal is delayed by 332 days. Hence, this application for condonation of delay.

3. The delay of 332 is sought to be explained by the applicant primarily on the ground that, during the period when the judgment was passed by the writ Court, the applicant was suffering from complete non-functionality of both kidneys and, therefore, was under treatment. Although the medical record appended with the application does not completely substantiate the submissions made, yet, in the larger interest of justice and having regard to the ailing health condition of the applicant, we are inclined to condone the delay. The application is, therefore, allowed and the delay of 332 days in filing the Letters Patent Appeal is condoned.

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4. This intra-Court appeal by the appellant is directed against an order and judgment dated 29th August, 2024 passed by the writ Court in OWP No. 771/2007. The writ petition has been allowed primarily on the ground that the appellant herein had failed to establish the relationship of employer and employee as envisaged under the Payment of Wages Act, 1936.
5. On being pointedly asked as to whether the appellant had filed the claim for unpaid wages before the Authority under the Payment of Wages Act on behalf of the labourers and whether he had indicated the name of the labourers who had actually worked and had remained unpaid, he could not give any clear answer. However, from the record, it clearly transpires that the application moved by him before the

Authority under the Payment of Wages Act was bereft of the particulars of any labourer having performed duties without payment of wages by the respondent.

6. In view of the aforesaid, we do not find it a fit case to interfere with the order of the learned writ Court. This appeal is found devoid of any merit and is, accordingly, dismissed. We, however, leave it open to the appellant to move a fresh petition before Authority under the Payment of Wages Act by pleading the particulars of the labourers on whose account he is filing petition. He must clearly indicate the names of the labourers who were engaged through him for the work of the respondent; the period during which they worked, and the wages that remained unpaid.

7. Should such an application be filed, the same shall be considered by the Authority under the Payment of Wages Act on its merits and in accordance with law.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

04.08.2026

"ARIF"