

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CR No. 7918 of 2015

Date of decision : December 08, 2015

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M/s Bhardwaj Builders C/o Vipul Limited,
Gurgaon through its Partner Sh. Rakesh Bhardwaj
.....Petitioner

Versus

Suresh and others
.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Sachin Mittal, Advocate for the petitioner.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

The petitioner has come up in revision petition against the order dated 10.6.2015 (Annexure P-3) passed by the Authority under the Payment of Wages Act, 1936, Gurgaon vide which an application dated 6.4.2015 filed by the petitioner under Order 7 Rule 11 CPC for dismissal of the claim petition under Payment of Wages Act, 1936 being time barred has been dismissed and also the order dated 1.8.2015 (Annexure P-4) passed by Additional District Judge, Gurgaon vide which the appeal has also been dismissed.

The workmen-Suresh and others filed a claim petition under Section 15(2) of the Payment of Wages Act, 1936 (hereinafter

referred to as 'the Act') (Annexure P-1) claiming wages for the period from 1.3.2013 to 30.5.2013. The petitioner/respondent no.2-M/s Bhardwaj Builder(Contractor) C/o M/s Vipul Ltd., Gurgaon through its Managing Prop. made an application dated 6.4.2015 (Annexure P-2) under Order 7 Rule 11 CPC for rejection of the complaint/petition which was dismissed by the impugned order dated 10.6.2015 (Annexure P-3) by observing that the petitioner-respondent no.2 has denied the relationship of employee and employer between respondent no.2 and the applicants. However, at the same time respondent no.3-Kanchedi Lal C/o M/s Vipul Ltd., Gurgaon, who is the sub-contractor of the petitioner-respondent no.2 has admitted in the written statement that the applicants were the employees of respondent no.3 and the respondents no. 1 & 2 is the principal employer in the case.

After going through the facts and circumstances of the case, I am of the opinion that the application has been rightly dismissed as the claim petition cannot be rejected on an application made by petitioner-respondent no.2 who has simply denied the relationship of employer and employee with the applicants. There is no infirmity or illegality in the orders passed by the Courts/Authority below warranting interference of this Court. Hence, present revision petition is dismissed.

December 08, 2015

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**(RITU BAHRI)
JUDGE**