

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No.32 of 2007

Mohar Lal Jaiswal, S/o Parlok Ram, aged about 45 years,
R/o Village Barbaspur, Post Office Karsi, Tehsil & P.S.
Pratappur, District Surguja (C.G.)

---- Petitioner

Versus

1. The Authority under Minimum Wages Act, Labour Court,
Ambikapur, District Surguja (C.G.)
2. The Inspector under Minimum Wages Act, 1948,
Development Block Lakhanpur, Labour Sub Division
Ambikapur, District Surguja (C.G.)

---- Respondents

For Petitioner: Mr. A.K. Prasad, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

10/04/2017

1. The authority under the Minimum Wages Act, 1948,
passed an order on 10-2-1999 imposing a penalty of
Rs.41,426/- against the petitioner. The petitioner filed an
application under Order 9 Rule 13 of the CPC for setting
aside the ex parte order, on 4-11-2006. The authority
under the said Act simply rejected that application on the
ground that it has been filed belatedly. The reason
assigned in the application has not been considered in
proper perspective and in one line, it has been rejected
holding that the same is belated.

2. In the considered opinion of this Court, it is wholly improper. Once an application has been filed assigning reasons for delay in filing the application for setting aside the ex parte order, the authority under the Minimum Wages Act, 1948, who is a quasi-judicial authority, ought to have considered the grounds mentioned in the application constituting sufficient cause. No enquiry has been made on the said application which ought to have been done. Accordingly, the order dated 31-11-2006 passed by the Authority under the Minimum Wages Act, Labour Court, Ambikapur in Case No.30/MWA/2006 is hereby quashed and the application filed under Order 9 Rule 13 of the CPC is restored to its original number for hearing and disposal in accordance with law. The authority would hold an enquiry on that application and would decide the same within six months from the date of receipt of a copy of this order.
3. The writ petition is allowed to the extent indicated herein-above. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge