

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9303 of 2017

ORDER:

Petitioner was an ex-employee of Singareni Collieries Company Limited. His grievance is that Rs.26,000/- towards settling-in-allowance due to him is not paid by the employer.

2. Aggrieved by non-payment of the said amount, petitioner filed petition before the authority under the Payment of Wages Act, 1936. In response to the claim made by the petitioner, Singareni Collieries Company Limited submitted to the authorities that in fact a cheque was drawn but the cheque was not received by the petitioner. In the letter addressed to the Regional Labour Commissioner, the Singareni Collieries Company also narrated the history regarding other claims of the petitioner vis-à-vis the present claim.

3. Without adjudicating the grievance agitated by the petitioner, considering the response given by the employer, by the impugned proceedings dt.17.01.2017 (year wrongly typed as 2016), 4th respondent held that the reply given by the Singareni Collieries Company Limited is self explanatory and therefore disposing of his representation.

4. Apparently no decision is made by the authority. The response of the authority impugned in this Writ Petition

would show that he considered both the representation of the petitioner and reply of the management of Singareni Collieries Company Limited and disposed of the representation.

5. The claim is made under the Payment of Wages Act, 1936 and as a quasi judicial authority, the authority is required to consider the claim and decide whether the claim is valid, by duly taking note of the response of the employer and he could not have disposed of the representation of the petitioner without adjudicating the claim of the petitioner.

6. As the order impugned is not sustainable having regard to the tenor of the order, all the counsel agree for disposal of the Writ Petition, at the admission stage, setting aside the order impugned and directing the 4th respondent to decide the claim of the petitioner under Payment of Wages Act, 1936.

7. Accordingly, the Writ Petition is allowed; the impugned order is set aside, and the matter is remitted to the 4th respondent to consider the claim made by the petitioner under Payment of Wages Act, 1936 and pass appropriate orders as warranted by law assigning due reasons in support of the decision and communicate the same to the petitioner. There shall be no order as to costs.

8. Consequently, miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

17th March, 2017.
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