

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.26023 of 2017

Date of Decision:15.11.2017

Ashok Kumar

... Petitioner

Vs.

Roop Sari Centre and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Ashok K. Sharma, Advocate for the petitioner.

P.B. BAJANTHRI J. (Oral)

Petitioner has challenged the order dated 28.07.2017 passed in application No.20 of 2012. Para-7 of the order dated 28.07.2017 reads as under:

“7. Applicant in his claim application as well as when appeared in the witness box as AW-1 stated that he worked as worker/sales helper with the respondent for about 4 years since 2005 to 2009 and after 2009 the respondent did not allow to work in his shop. It was alleged that the respondent had not paid the labour/salary of the applicant which comes approximately 70-80 thousand and out of said amount only Rs.15000/- has been paid and rest of the amount has been withheld by the respondent without any reason. The applicant has not even mentioned his monthly salary and there is no specific pleadings that for what period he has not been paid wages. It cannot be believed that the applicant worked with the respondent for about 4 years without any wages. It also cannot be believed that a person working on shop can survive for a long period of four years without getting his wages. Apart from it no record was produced by the applicant that he worked with the respondent from 2005 to 2009 and he was not paid wages for that period. So in these circumstances this issue is decided in favour of the respondent and against the applicant.”

In view of the above finding of the Authority, under the Payment of Wages Act, 1936, Jind, petitioner has not made out a case.

Accordingly, petition stands dismissed.

15.11.2017

rajeev

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No

(P.B. Bajanthri)
Judge