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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 31st January, 2017

+ W.P.(C) 8448/2014

M/S MODEL ARTICIAN

..... Petitioner

Through: Mr. Kamran Malik and Mr.
Syed Shakeel Hussain,
Advocates

versus

SATVIR

..... Respondent

Through: Mr. Sanjoy Ghose, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGMENT (ORAL)

1. The petitioner has challenged the order dated 27th February, 2014 whereby the Authority under the Minimum Wages Act, 1948 has directed the petitioner to pay Rs.7,884/- towards arrears of minimum wages along with compensation of Rs.86,724/-.
2. Learned counsel for the petitioner submits that the petitioner could not appear before the Authority on account of being held up in a traffic jam on 22nd January, 2014 and being out of town on 13th February, 2014.
3. After hearing the parties for some time, this Court is of the view that it would be in the interest of justice to set aside the impugned order subject to cost Rs.20,000/- to be paid by the petitioner to the respondent. The cost be paid by the petitioner to the respondent within a period of four weeks.

4. Subject to payment of cost as mentioned above, the impugned order is set aside and the case is remanded back to the Authority under the Minimum Wages Act.
5. The parties shall appear before the Competent Authority on 03rd March, 2017. The petitioner shall file his written statement along with evidence before the Competent Authority on 03rd March, 2017 whereupon the Authority shall fix the case for rejoinder. The Authority shall afford a reasonable opportunity of leading evidence to both the parties and thereafter, pass a fresh order after hearing both the parties. The Competent Authority shall endeavour to decide the matter within a period of 6 months from today. The petition is disposed of in the above terms.
6. The cost of Rs.20,000/- be paid by the petitioner to the respondent by means of a cheque drawn in the name of the respondent and the same shall be handed over to counsel for the respondent.
7. It is clarified that nothing recorded herein shall be considered as an expression on the merits of the case.
8. Copy of this judgment be given *dasti* to counsels for the parties.
9. Copy of this judgment be sent to the Authority under Minimum Wages Act.

JANUARY 31, 2017
rsk

J.R. MIDHA, J.