

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WPL NO.6180 of 2009**

Anil Gattani S/o Shri Prakash Chandra Gattani, Aged about 44 years, R/o Jai Stambha Chowk, Dongargarh, Distt. Rajnandgaon (CG)

----Petitioner**Versus**

1. State of Chhattisgarh, through the Secretary, Labour Department, Mantralaya Raipur (CG)
2. The Labour Inspector, Payment of Wages Act, Rajnandgaon, Distt. Rajnandgaon (CG)
3. Kartik Ram S/o Dukalu Ram Sinha, R/o Pinkapar, Post-Patpar, Tahsil-Dongargarh, Distt.Rajnandgaon (CG)

---- Respondents

 For Petitioner : Mr.Akash Pandey, Advocate
 For Respondent No.1 : Mr.Avinash Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/07/2018**

1. On the report of the Labour Inspector Payment of Wages Act, the case was registered by the Authorized Officer under the Payment of Wages Act and amount of ₹ 42,472/- along with 10 times penalty was imposed upon the petitioner under Section 15 of the Payment of Wages Act, 1936 (hereinafter called as 'the Act of 1936'), which was challenged by the petitioner in appeal. The appeal preferred by the petitioner was allowed and the matter was remitted to the said authority. The said authority framed two issues and this time, while maintaining the amount of wages reduced the penalty from 10 times to 2 times i.e. ₹ 84,944/-. Questioning that order, this writ petition has been filed by the petitioner herein.

2. Mr.Akash Pandey, learned counsel for the petitioner, would submit that the application preferred before the Authorized Officer was barred by limitation as provided in Section 15(1) of the Act of 1936 and it has not been established that the labourers were working with the petitioner, as such, the order passed by the Authorized Officer as affirmed by the Industrial Court deserves to be set aside.
3. On the other hand, learned Panel Lawyer for respondent No.1, would support the impugned order.
4. I have heard learned counsel for the parties and considered their rival submissions made hereinabove and also gone through the records with utmost circumspection.
5. A careful perusal of the record would show that the Authorized Officer has condoned the delay finding sufficient cause put-forth by the labourers. The petitioner did not raise any specific ground before the said authority, therefore, no issue was framed in this regard. Even otherwise, the Industrial Court has also affirmed that finding. Concurrent finding recorded by two authorities on the question of delay cannot be interfered with by this Court under Article 226 of the Constitution of India as it is neither perverse nor contrary to record.
6. Next contention of learned counsel for the petitioner is that it has not been established that the labourers were working with the petitioner. Both the authorities have concurrently held against the petitioner, even the petitioner did not avail an opportunity to cross-examine the labourers and their witnesses leading to closure of opportunity to cross-examine and failed to bring reliable evidence on record to prove his case.

7. In view of that, I do not find any merit in this writ petition. The writ petition deserves to be and is hereby dismissed with a cost of ₹ 5000/-. Cost shall be paid by the petitioner to respondent No.3 within a period of two weeks from today.

Sd/-

(Sanjay K.Agrawal)
Judge

B/-