

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

LPA-1442-2017 (O&M)

Date of decision:- 04.07.2018

Kanta Sharma

...Appellant

Versus

Executive Engineer, Panchayati Raj, Panchayat Bhawan,
Sonapat and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Subhash Rana, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-3093-LPA-2017

Having heard learned counsel for the appellant, we are satisfied that the delay of 39 days in filing the appeal is on account of circumstances beyond the control of the appellant and as such the same is liable to be condoned and is permitted to be condoned.

2. The application for condonation of delay accordingly stands allowed.

LPA-1442-2017

Application under Section 15(2) of the Payment of Wages Act, 1936 made by the petitioner (appellant herein) seeking wages for the period from 01.12.2012 to 11.11.2013 was dismissed by the prescribed authority vide order dated 18.01.2016. The appeal challenging the said order was also dismissed by the appellate authority vide order dated 11.08.2016. The appellant approached this Court by filing CWP-10931-2017 challenging the said orders.

2. The learned Single Judge affirmed the finding recorded by the two authorities, namely, the prescribed authority and the appellate authority that there is no legal evidence to support the payment of wages from 01.12.2012 to 03.12.2013 as there is nothing on record to establish that the appellant worked as Draftsman in the office of the Executive Engineer, Panchayati Raj, Sonapat, as claimed by her. The appellant worked as a contract Draftsman and the period of her contractual service expired on 30.11.2012. Nothing was brought on record to demonstrate that any extension was granted and as such the appellant could not have performed any service during the period in question so as to entitle her for payment of wages for the said period.

3. From a perusal of the documents available on record, there is nothing to indicate that the finding of fact recorded by the two authorities and affirmed by the learned Single Judge is vitiated for non-consideration of any material piece of evidence. Even during the course of arguments, learned counsel for the appellant failed to satisfy us that any material evidence on record has been overlooked by any of the two authorities or even the learned Single Judge or the findings are based on misreading of any evidence. In such view of the matter, we do not find any good ground to interfere with the order passed by the learned Single Judge.

4. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

04.07.2018

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No