

(121)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.26842 of 2019
Date of decision 20.09.2019

M/s Fertichem Cotspin Ltd. & anr. ... Petitioners

Versus

Authority under the Payment of Wages Act, 1936
& anr. ...Respondents

Before: Hon'ble Mr. Justice B.S. Walia.

Present: Ms. Nikita Garg, Advocate for
Mr. P.K. Mutneja, Advocate for the petitioners.

B.S. WALIA, J. (ORAL)

[1] Prayer in the writ petition is for the issuance of a writ in the nature of certiorari for quashing of order Annexure P-9 dated 01.08.2019 passed by respondent No.1 whereby the petitioners have been restrained from selling, transferring or leasing the property, building, raw material finished and other material, machinery etc. of the factory.

Prayer is also for issuance of writ in the nature of mandamus directing respondent No.1 to dismiss the applications filed by respondent No.2 under Section 15 of the Payment of Wages Act, 1936 (hereinafter referred to as 'the Act') dated 01.12.2013 and 20.12.2013 (Annexure P-6, Colly.) being time barred and non-maintainable.

[2] Sole argument of the petitioners is that the impugned order, Annexure P-9 has been passed in derogation of the provisions of Section 17

(A) read with Section 15 of the Act. However, learned counsel for the

petitioners fairly concedes that the impugned order, Annexure P-9 dated 01.08.2019 is an interim order and that after passing the interim order, notice was served on the petitioners for 10.09.2019 but so far, the petitioners have not filed objections to the order dated 01.08.2019 (Annexure P-9). Learned counsel further states that now the case stands adjourned before the learned Authority under the Act-cum-Assistant Labour Commissioner, SAS Nagar (hereinafter referred to as 'the Authority') for 24.09.2019 and that the petitioners would file comprehensive objections within three days from today before respondent No.1 and the petitioners would be satisfied if at this stage the writ petition is disposed of by directing respondent No.1 to consider and decide the objections in accordance with law within a stipulated period of time.

[3] In view of the innocuous nature of the prayer made by learned counsel for the petitioners, the writ petition is disposed of as pre-mature at this stage by granting liberty to the petitioners to file comprehensive objections before respondent No.1 within three days from today. In case of receipt of objections in the manner aforesaid, respondent No.1 would consider and decide the objections in accordance with law on the next date i.e. 24.09.2019 or within a period of three weeks thereafter.

(B.S. Walia)
Judge

20.09.2019
amit

1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.