

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 40729 OF 2021

Ispat Labour Union, Rourkela

Petitioner

Mr. Debendra Mohanta, Advocate

-versus-

***Regional Labour Commissioner
(Cental), Rourkela and others***

Opp. Parties

Mr. Prasanna Ku. Parhi,
Asst. Solicitor General of India for Odisha
being assisted by Mrs. Sulochana Patra,
Central Government Counsel

**CORAM:
JUSTICE BISWAJIT MOHANTY
JUSTICE K.R. MOHAPATRA**

**ORDER
03.01.2022**

Order No.

01. This matter is taken up through Video Conferencing Mode.

2. According to learned counsel Mr. Mohanta, the Petitioner-Union is aggrieved by non-payment of full wages as per inter office memo dated 24th November, 2018 issued by the Steel Authority of India Limited, Rourkela Steel Plant under Annexure-1, by the Ferro Scrap Nigam Ltd., Rourkela (OP No.3), a Contractor engaged by Opposite Party No.2 to the contract workers, who are members of the Petitioner- Union, though they have duly discharged their duties. According to him, when Opposite Party No.3 has failed to pay full wages, the Opposite Party No.2 should have cleared the unpaid balance wage of the workers. In this context, he relies on sub-Section (4) of Section 21 of the Contract Labour (Regulation and Abolition) Act, 1970, which makes it clear that in case the Contractor fails to make payment of wages within the prescribed period or makes short

payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the Contractor and recover the amount so paid from the Contractor either by deduction from any amount payable to the Contractor under any contract or as a debt payable by the Contractor.

3. In course of hearing, Mr. Mohanta submits that liberty may be granted to the Petitioner to approach the principal employer, i.e, Rourkela Steel Plant (OP No.2) for redressal of their grievance and the said Opposite Party may be directed to redress the same within a stipulated time.

4. Considering the submission made, this Court without expressing any opinion on the merit of the case, grants liberty to the Petitioner to file a detailed claim petition before Opposite Party No.2-Rourkela Steel Plant within a period of two weeks hence and on receipt of the same, the Opposite Party No.2 shall take a decision on such petition in accordance with law within a period of three months there from after giving opportunity of hearing to the Petitioner and Opposite Party No.3-Ferro Scrap Nigam Ltd., Rourkela, and communicate the result of such exercise to the Petitioner.

5. With the aforesaid observation and direction, the writ petition is disposed of.

Issue urgent certified copy of the order on proper application.

(Biswajit Mohanty)
Judge

(K.R. Mohapatra)
Judge