

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3885 OF 2017

Western Coal Fields Ltd.
Through its Area General Manager
Ballarpur Area, Ballarpur, Dist.
Chandrapur.

...PETITIONER

---VERSUS---

1. Regional Labour Commissioner (Central)
Nagpur, Authority Under the Payment of
Wages Act, 1936, First Floor, Block – C,
CGO Complex, Seminary Hills, Nagpur,
Tah.&Dist. Nagpur
2. The Labour Enforcement Officer
(Central), Chandrapur, First Floor Kamal
Complex, Near Dr. Ambedkar College,
Ram Nagar, Chandrapur 442401.
6. M/s Dinesh Chandra Sood Security
Agency, A Property Concern, Through its
Propeite Dinesh Chandra Sood (Rtd.
Col.), Aged about __, 306, Sunshree
Suvarna Yug,NIBM, Kondhwa Road, Pune,
Dist. Pune.

...RESPONDENTS

Shri A.M. Ghare, Advocate for the petitioner.
Shri S.A.Chaudhari, Advocate for respondent no.1.
Shri R.N. Sen, Advocate for respondent no.3.

CORAM : AMIT B. BORKAR, J.
DATED : 6th JULY, 2022.

ORAL JUDGMENT :

1. **Rule.** Rule is made returnable forthwith. Heard finally by
consent of the parties.

2. The petition can be disposed of on a limited point of breach of principles of natural justice. The impugned order discloses that the petitioner was made party by issuance of notice dated 08.12.2016. Petitioner was called upon to attend hearing on 20.12.2016. Petitioner in paragraph 8 of the petition has specifically averred that he was not served with the notice of hearing. Therefore he could not remain present before the Authority to submit his case or raise proper defence.

3. It is the contention of the petitioner that the issue of the applicability of the Act is involved as from the document on page 21 it appears that the consolidate wages drawn at the relevant time were about Rs.6,500/-.

4. Learned Advocate for the respondent no.1 invited my attention to the Roznama, which shows that on 26.07.2016 non-applicant appeared before the authority and stated that principal employer is ready to pay rate as per High Power Committee rate.

5. On consideration of of impugned order it appears that the petitioner was made party just before the issuance of notice dated 08.12.2016. Hearing was fixed on 20.12.2016. The Roznama discloses that on 20.12.2016 itself the proceedings were closed for orders.

6. The averments in paragraph 8 of the petition remain unchallenged. In that view of the matter, considering the point raised by the petitioner, the petitioner needs to be given an opportunity to present his case before the authority. I, therefore, pass following order.

7. The impugned order dated 19.01.2017 passed by respondent no.1 is quashed and set aside.

8. The petitioner is permitted to file his reply and to produce document in support of defence.

9. The respondent no.1 shall pass order afresh after giving opportunity of hearing to the parties.

10. The petitioner shall appear before the Authority on 25.07.2022 at 11:00 a.m.

11. Rule is made absolute in above terms. No costs. Pending civil application (s), if any, stand disposed of.

JUDGE

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