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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 13790/2019 & CM APPL. 55452/2019**

**M/S JAIN LOHA UDYOG**

..... Petitioner

Through: Mr. Apurb Lal, Mr. Meenu Pandey  
and Ms. Kamalika Seemadder, Advs.

Versus

**MR. LAV KUSH SINGH**

..... Respondent

Through: Mr. Tarkeshwar Nath Dubey, Adv.

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***Date of Decision: 31<sup>st</sup> August, 2022***

**CORAM:**

**HON'BLE MR. JUSTICE DINESH KUMAR SHARMA**

**J U D G M E N T**

**DINESH KUMAR SHARMA, J. (Oral)**

1. The present writ petition has been filed challenging the order dated 4<sup>th</sup> July, 2019 whereby the petition under Section 15(2) of the Payment of Wages Act, 1936 was allowed and the petitioner-management was directed to make payment of Rs.29,700/- towards the wages for the period 1<sup>st</sup> December, 2017 to 9<sup>th</sup> March, 2018 along with compensation amount of Rs.3,000/- as per the provisions of Section 15(3) of the payment of Wages Act, 1936.
2. Learned counsel for the petitioner has assailed the order primarily on the ground that that the respondent-workman has been filing such



petition against different employers. Further, there was no document or evidence produced before the learned Labour Court by the respondent-workman to substantiate his claim.

3. Learned counsel for the petitioner submits that the application on behalf of the petitioner-management for setting aside ex parte order was also dismissed without giving any reason. Attention has been invited to the additional affidavit filed in compliance of order of this Court dated 24<sup>th</sup> December, 2019.
4. Learned counsel for the respondent submits that the petitioner did not appear before the learned Labour Court despite being duly served and the impugned order has been passed by the learned Labour Court on the basis of material available before it.
5. I have considered the submissions made by counsel of both the parties. This a short matter where a direction was made by the learned Labour Court to make the payment of Rs.29,700/- to the respondent-workman as petitioner remain ex parte before the learned Labour Court. An application moved by the petitioner for setting aside the impugned order of learned Labour Court was also dismissed by a reasoned order. The Additional Affidavit has been filed stating that the respondent-workman had also filed a case against one Mr. Rajiv Gupta, the owner of the Rohin Steel Industries, Mundka claiming to be an employee of Mr. Rajiv Gupta. However, no documents in support of this submission has been filed.
6. It is also pertinent to mention that the jurisdiction of the writ court is wide but has to be exercised with great circumspection. This Court cannot sit in the appeal against the orders of the learned Labour Court.



NEUTRAL CITATION NO: 2022/DHC/003367

7. I consider that there is no illegality or perversity in the order of the learned Labour Court, hence, the writ petition along with the pending application is dismissed.

**DINESH KUMAR SHARMA, J**

**AUGUST 31, 2022**

*Pallavi*

