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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 01.04.2024

Veer Arjun Bajaj

. . . Petitioner(s)

Versus

The Presiding Officer,
Authority Under the Payment of Wages Act,
Gurgaon and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Anupal Singh Tanwar, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner(s).

Respondents No.2 to 16 – *ex-parte* vide order dt. 19.09.2023.

SANJAY VASHISTH, J. (Oral)

1. By way of present writ petition, petitioner – Veer Arjun Bajaj, has challenged the *ex-parte* award/orders dated 20.11.2009 (Annexure P-2), passed by the Authority under the Payment of Wages Act, 1936 (for brevity, ‘the Act’), whereby, application/Case No.21 of 2009, filed by respondent No.2 – Mam Chand under Section 15(2) of the Act, has been allowed, by holding that petitioner **being principal employer** of the applicant (respondent No.2 herein), is liable to pay the wages to the tune of Rs.2,55,000/-.

Said amount was ordered to be recovered along with interest @ 12% per annum from the date of order i.e. 20.11.2019.

2. Petitioner herein (being respondent No.1 before the authority) was proceeded against *ex-parte* vide order dated 25.08.2009.

3. Counsel for the petitioner submits that against the *ex-parte*

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order dated 25.08.2009 and the final order dated 20.11.2009, one application was filed and same is still pending without any decision. However, counsel is also not able to dispute the fact that the original order passed by the authority under Section 15(2) of the Act, is assailable in its appellate jurisdiction under Section 17 of the Act.

4. In view of the facts and circumstances that the application for setting aside of the *ex-parte* order, as stated by the counsel before this Court, is pending adjudication, and also the aspect that the original order is assailable in its appellate jurisdiction under Section 17 of the Act, I do not find any reason to entertain the present writ petition. **Hence, same is dismissed.**

However, it will be open for the petitioner to press upon his right of adjudication over the application, as stated by him before this Court, in regard to the setting aside/objection to the *ex-parte* order, pending before the authority under the Act.

In case, any such application is pending, same be decided forthwith, preferably within a period of two months. Besides, it is also made clear that till the decision of such application, the amount already deposited, would not be disbursed to the employee.

(SANJAY VASHISTH)
JUDGE

April 01, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ~~Yes~~/No ✓