



2024:DHC:7586



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

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Decision delivered on: 01.10.2024+ **W.P.(C) 4299/2024****SAUJANYA PRINTING PRESS**

.....Petitioner

Through: Mr. Deepak Singh and Mr.
Deepanshu Bhargava, Advocate

versus

DEPUTY LABOUR COMMISSIONER & ANR.Respondents

Through: Ms Hetu Arora Sethi, ASC-GNCTD

CORAM:**HON'BLE MR. JUSTICE GIRISH KATHPALIA****[Physical Hearing/Hybrid Hearing (as per request)]****J U D G M E N T (ORAL)****CM APPL. 57797/2024** *[Application filed on behalf of the petitioner seeking early hearing the petition]*

1. Notice of the writ petition is yet to be issued. For reasons mentioned therein, the application is allowed and hearing is preponed to this day.

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2. The petitioner management has brought this writ action to assail order dated 26.07.2022 of the Authority under the Minimum Wages Act, whereby the petitioner was directed to pay a sum of Rs. 32,952/- towards difference of arrears in minimum wages alongwith one time penalty on the awarded amount towards compensation, thereby to the total tune of Rs. 65,904/- to the respondent workman. Having heard learned counsel for petitioner

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management, I find no reason to issue notice to the workman and make him spend money on litigation.

3. Briefly stated, the respondent no. 2 workman filed an application dated 13.10.2021 against the present petitioner management under Section 20(2) of the Minimum Wages Act 1948, pleading that he was appointed by the petitioner management on 01.01.2020 and his last drawn salary was Rs. 10,000/- per month; that he was performing his duties with full honesty and devotion but the petitioner management did not provide any facility admissible under law; that the petitioner management did not pay him wages according to the notified rates of minimum wages for the period from 01.04.2021 to 30.09.2021 and thereafter terminated his services; that despite demand notice dated 08.10.2021, the petitioner management did not pay him arrears of minimum wages to the total tune of Rs. 35,448/-. In view of these circumstances, respondent no. 2 workman prayed for directions to the petitioner management to pay the amount of Rs. 35,448/- alongwith penalty to the tune of ten times to the said amount.

4. The petitioner management, on being summoned, appeared before the concerned authority and filed reply, pleading that respondent no. 2 workman had resigned from service after full and final settlement on 22.10.2021, so he is not entitled to any money.

5. The respondent no. 2 workman filed a rejoinder before the concerned authority, thereby denying the pleadings of the petitioner management. In



the rejoinder, the respondent no. 2 workman specifically pleaded that petitioner management had forcibly taken his signatures on blank papers, regarding which he also filed a complaint with the police station Okhla Phase-I, New Delhi.

6. On the basis of above rival pleadings, the concerned authority framed following issues:

- (i) Whether the claimant has not been paid wages as per the rates of minimum wages notified by the GNCT of Delhi? If yes, to what amount he is entitled to and what directions are necessary in this regard?*
- (ii) Relief?*

7. In support of his case, the present respondent no. 2 filed his evidence affidavit before the concerned authority, but thereafter the petitioner management stopped appearing in the proceedings despite service of notice. As such, the present respondent no. 2 was examined on oath and final arguments heard by the concerned authority, culminating the proceedings into the impugned order.

8. During arguments today, learned counsel for petitioner management took me through the above records and contended that the impugned order is contrary to facts, so liable to be set aside. Learned counsel for petitioner management specifically referred to *pdf* page 32 of the paperbook and contended that the respondent no. 2 workman had resigned from job on 30.09.2021 and had accepted full and final settlement on 22.10.2021. No other argument has been advanced to assail the impugned order.



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9. Admittedly, despite a specific denial of the present respondent no. 2 workman in his rejoinder, the petitioner management opted not to challenge his testimony by way of cross examination, much less by leading any evidence in defence. It was not a case of bald denial by the workman in his rejoinder. As mentioned above, the workman specifically pleaded in the rejoinder that he was forced to sign blank papers by the petitioner management regarding which he even lodged police complaint. It is a case of practically no contest from the petitioner management and the impugned order was passed on the basis of unchallenged pleadings and evidence.

10. In view of the above pleadings and evidence, I am unable to find any infirmity in the impugned order so the same is upheld and the present petition is dismissed.

GIRISH KATHPALIA
JUDGE

OCTOBER 01, 2024/as

Click here to check corrigendum, if any