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

+ **W.P.(C) 7649/2024**

UNIPRO STEEL ROPES

..... Petitioner

Through: Mr. Shwetank Sharma, Advocate

versus

MD YASEEN & ORS.

..... Respondents

Through: Ms. Prema Priyadarshini, Advocate
for R-2

CORAM:

HON'BLE MR. JUSTICE CHANDRA DHARI SINGH

ORDER

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27.05.2024

CM APPL. 31819/2024 (Exemption)

Exemption allowed subject to just exceptions.

The application stands disposed of.

W.P.(C) 7649/2024 & CM APPL. 31820/2024 (Stay)

1. The instant writ petition under Article 226 of the Constitution of India has been filed on behalf of petitioner seeking the following reliefs:-

"a) *Issue the necessary writ, direction or order thereby setting aside the impugned order dated 26.03.2024 passed by the LD Commissioner;*

b) *Issue the necessary writ, direction or order thereby directing Ld. Commissioner (C) to implead the petitioner under array of parties;*

c) *Issue the necessary writ, direction or order there by directing the Respondent No 2 & 3 not to make payment to Respondent No.1 from retention money of the petitioner;*

d) *Issue such other writ, direction or order as this Hon'ble Court may deem fit and proper under the facts and*



circumstances of the case in the interest of justice, equity and fair trial."

2. Learned counsel appearing on behalf of petitioner submitted that the impugned order is violative of principles of natural justice as the same has been passed without giving proper notice and due opportunity to the petitioner.

3. It is submitted that the petitioner was not impleaded as a party in the proceedings before the learned Trial Court and the same is violative of the statutory mandate.

4. It is further submitted that pursuant to the passing of the impugned order, a letter dated 18th April, 2024 was sent by the opposite party No.2/respondent No.3 herein i.e., M/s HCC VCCL-JV to the petitioner herein whereby, it was directed to comply with the impugned order and make the necessary payments within a week's time of the receipt of the said letter.

5. *Per contra*, learned counsel for the respondent No.2/DMRC, appearing on advance notice, submitted that the impugned order categorically states that the opposite party No.1/respondent No.2/DMRC herein had to only ensure compliance of the impugned order dated 26th March, 2024.

6. It is further submitted that the respondent No.2 has already sought instructions from the competent authority for due compliance of the impugned order dated 26th March, 2024.

7. Heard the learned counsel appearing on behalf of the parties and perused the record including the letter dated 18th April, 2024.

8. In response to a specific query of this Court the petitioner submitted



that it had sent a reply to the letter dated 18th April, 2024, however it failed to show the said reply as the same is not annexed with the instant petition.

9. The impugned order was passed by the learned Regional Labour Commissioner (Central), New Delhi on a complaint made by one Md. Yaseen and two others, who were the labourers and the members of the All India General Mazdoor Trade Union for non-payment of minimum wages for the period of 21st June, 2022 to 20th July, 2022. Despite service of notices dated 11th October, 2023, 28th November, 2023 and 9th January, 2024, the opposite party No.2/respondent No.3 herein failed to file its written statements before the learned Regional Labour Commissioner.

10. At this juncture, this Court deems it imperative to ascertain the findings recorded *vide* the impugned order. The relevant portion of the impugned order reads as follows:-

"...The above amount totalling to Rs.1,49,154 (Rupees One lake forty nine thousand one hundred fifty four only) shall be deposited with this Authority by way of Demand Draft drawn in favour or the employees, within 15 days from the date of receipt of this order. Failure to comply with the order may result in initiation of recovery proceedings without any further notice.

4 . Op-1 shall ensure the compliance of the order.

5. No order to costs.

6. The claim application is thus disposed of."

11. Upon perusal of the impugned order, it is crystal clear that the opposite party No.2/respondent No.3 herein had appeared before the learned Regional Labour Commissioner, however, it failed to show any documents or refute the claim as contended by the respondent No.1 herein. It further took into consideration the fact that it is an admitted fact that the opposite



party No.2/respondent No.3 herein and the claimant/respondent No.1 had an employee-employer relationship.

12. This Court is of the view that it is an admitted fact that the opposite party No.1/respondent No.2 herein had to ensure the compliance of the impugned order and no order was passed against the petitioner herein as the impugned order was passed for payment of the minimum wages for the period 21st June, 2022 to 20th July, 2022 to the respondent No.1 by the opposite party No.2/respondent No.3.

13. Furthermore, bearing in mind the facts, that the petitioner does not have any locus in the present matter, as neither it was directed to comply with the findings of the impugned order nor was it a party in the matter before the learned Regional Labour Commissioner, and also, that the opposite party No.2/respondent No.3 herein has not filed any writ petition challenging the impugned order, therefore, this Court does not find any cogent reason to allow the instant writ petition.

14. Accordingly, the instant petition alongwith the pending application, being devoid of any merit, stands dismissed.

CHANDRA DHARI SINGH, J

MAY 27, 2024

dy/da

Click here to check corrigendum, if any