



2024:DHC:7405



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

Date of Decision: 23.09.2024

+ **W.P.(C) 12591/2024 & CM APPL. 52376/2024**

SUDARSHAN FACILITIES PVT LTD

.....Petitioner

Through: Mr. Mayank Kumar, Adv. with Ms.
Preeti Giri, Adv.

versus

**THE REGIONAL LABOUR COMMISSIONER CENTRAL
NEW DELHI & ORS.**

.....Respondents

Through: Mr. Neerj, Adv. with Mr. Vedansh
Anand, Mr. Sachin Saraswat, Mr.
Kautilya Birat and Mr. Sanjay Pal,
Adv. for R-1&R-2.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed by the Petitioner impugning an order dated 07.10.2022 passed by the Authority under Minimum Wages Act, 1948 & Regional Labour Commissioner (Central), New Delhi [hereinafter referred to as the "Impugned Order"].
2. By the Impugned Order, the Petitioner was directed to pay the difference of wages amounting to Rs. 2,92,916/- along with compensation at the rate of five times of the short wages totalling to a sum of Rs. 17,57,496/- to the workers (11 in number) whose names are set out in Annexure-A to the Impugned Order, within 15 days.
3. Learned Counsel for the Petitioner submits that payment of wages of all employees set out in Annexure-A has already been made by the

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Petitioner. He further submits that the payment was made in terms of the circulars of Government of National Capital Territory of Delhi as issued from time to time under the Minimum Wages Act, 1948.

4. Learned Counsel for the Petitioner states that he had filed a Reply to the Petition setting out the aforesaid on 02.07.2022. The relevant extract of the Reply reads as follows:

“ ...

Dear Sir,

With reference to your letter it is to inform you that we are paying Minimum wages as per the notification of NCT Delhi and not of Central Government Minimum Wages Rates. Copy of the approval of JNU authorities is attached for ready reference...”

4.1 It is contended that despite the foregoing, the Impugned Order has been passed.

5. Learned Counsel for the Petitioner further submits that the order is a non-speaking order and *ex-parte* order which sets out that although notices were issued, none appeared and that the Reply dated 02.07.2022 has not been dealt with at all.

6. Issue Notice.

6.1 Learned Counsel for the Respondent Nos. 1&2 accepts notice and submits that in view of the order that this Court proposes to pass today, no Counter-Affidavit shall be necessary.

7. Accordingly, with the consent of parties, the matter is taken up for final hearing and disposal today.

8. Learned Counsel for the Respondent Nos. 1&2 fairly submits that the Authority has not examined the contentions of the Petitioner prior to passing the Impugned Order.

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- 8.1 Accordingly, the Impugned Order is set aside.
9. The authority is directed to conduct proceedings *de novo* and pass a speaking order within four weeks.
10. The Petition and all pending Applications stand disposed of in the foregoing terms.
11. Needless to add, in the event that the Petitioner is aggrieved by the Impugned Order, all appropriate remedies shall be available to him in accordance with law.
12. Parties will act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

SEPTEMBER 23, 2024/SA