



2024:DHC:8931



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 19.11.2024

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W.P.(C) 12670/2024 & CM APPL. 52707/2024**TIGER 4 INDIA LTD****.....Petitioner**

Through: Mr. Kartik Aggarwal, Advocate.

versus

ASHOK KUMAR RAJAK**.....Respondent**

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA**J U D G M E N T (ORAL)**

1. The petitioner management has assailed order dated 16.03.2022 of the Competent Authority under The Delhi Shops and Establishments Act, 1954. On last date before the predecessor bench, learned counsel for petitioner alleged that the present respondent workman was working simultaneously in two different companies, so he was granted opportunity file an affidavit to that effect, but no such affidavit has been filed till date. In any case, there was no such material before the Competent Authority at the time of passing the impugned order. Having heard learned counsel for petitioner management, I am unable to find it to be a fit case for issuance of notice.

2. Through registered Union The present respondent filed a Claim Petition before the Competent Authority, claiming his earned wages. In the

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Claim Petition, the present respondent pleaded that he was working with the present petitioner as security guard since 04.11.2013 and his last drawn wages were Rs. 6,000/- per month, but his services were illegally terminated on 06.11.2018 by the present petitioner, without paying his earned wages for the period of February, April and June, 2018 at the rate of Minimum Wages of Rs. 13,584/- per month to the total tune of Rs. 40,752/-; that he issued demand notice dated 05.07.2018 to the present petitioner, but the latter ignored the same. Summons of the claim were duly served on the present petitioner and on 13.04.2021, their supervisor Sh. Mantu Kumar appeared before the Competent Authority, but thereafter, none appeared before the Competent Authority and even written statement or reply was not filed. Consequently, on 27.09.2021, the present petitioner was proceeded against ex-parte. The present respondent appeared as his solitary witness and proved on record the necessary documents. The present respondent also filed written arguments on 30.12.2021, but the present petitioner opted not to do so, therefore, the Competent Authority closed the proceedings and passed the impugned order.

3. During arguments, learned counsel for petitioner contends that earlier an additional amount of money was paid to the present respondent, which he did not disclose before the Competent Authority. Learned counsel for petitioner contends that the present respondent had been appointed only as a caretaker and not as security guard; that there were number of problems created by the present respondent; and that the present respondent joined



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another firm and suddenly stopped reporting for duty. No other argument has been advanced.

4. But admittedly, none of the contentions raised today forms part of the record of the Competent Authority. There is also not even a whisper explaining as to why the petitioner management opted not to contest the proceedings despite having received the summons and having appeared before the Competent Authority once.

5. In view of the above circumstances, I am unable to find any infirmity in the impugned order, so the same is upheld and the present petition as well as pending application are dismissed. The petitioner is directed to ensure compliance with the impugned order within a period of one week from today.

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(JUDGE)

NOVEMBER 19, 2024/ry