

Court No. - 7

Case :- CIVIL MISC REVIEW APPLICATION DEFECTIVE
No. - 144 of 2024

Applicant :- Divisional Personal Officer Northern Railway
Hazratganj Lko. And 2 Others

Opposite Party :- Akhilesh Narayan Tripathi And 2 Others

Counsel for Applicant :- Raj Kumar Singh

Hon'ble Alok Mathur,J.

C. M. Application No.1 of 2024 for condonation of delay.

1. Heard learned counsel for the review-applicant.
2. The cause shown is sufficient.
3. The application is allowed. The delay in filing the review-application is condoned.

Order on memo of the review -application.

1. By means of the present review - application the applicant has sought review of judgment and order dated 12.1.2024 passed by this Court in Writ C No.1002012 of 2012. The said writ petition was filed by respondent No.1 before this Court assailing the order of Sub Divisional Magistrate/Prescribed Authority, Sadar, District Sultanpur passed under the Payment of Wages Act, 1936 wherein he has refused to proceed for imposition of fine as per Section 20 (6) of the Act of 1936.

2. This Court had duly considered the case of the writ petitioners as well as counsel for the respondents and was of the considered view that imposition of fine could have been proceeded as per statutory prescriptions and there was no occasion for the prescribed authority to have dispensed with the procedure for imposition of fine and accordingly in the aforesaid circumstances had allowed the writ petition. Only with regard to the said finding the present review application has been filed.

3. The only concern shown by the applicant is that the prescribed authority shall comply with the directions of this Court passed in judgment and order dated 12.1.2024 and proceed to impose fine upon the authorities of the petitioner. He submits that the prescribed authority may proceed under

Section 20 (6) of the Act of 1936 but while doing so he will consider the defence raised by the authorities of the petitioner and pass appropriate orders in accordance with law. Needless to say that whenever directions are issued by the superior courts to the authorities it is always expected that they shall comply with the statutory prescriptions and pass orders in accordance with law. Accordingly, no ground for interference as sought by the review-applicant is made out.

4. Subject to aforesaid directions, the review-application is **rejected**.

(Alok Mathur, J.)

Order Date :- 6.8.2024
RKM.