

27.03.2025
Sl. No. 01
g.b./KC
Court No.10

WPA 14321 of 2024

***M/s. Revenza Pharmaceuticals Pvt. Ltd. &
Ors.***

-Vs-

The State of West Bengal & Ors.

Mr. Subhadeep Chatterjee

Mr. A. Kundu

.....For the Petitioners

Mr. Sudipto Panda

Mr. M. Rahman

.....For the State

The grievance of the petitioners is directed against the order dated 4th April, 2024 passed under the West Bengal Shops and Establishments Act, 1963 (the Act).

Briefly, by the impugned order the petitioners have been directed to pay an amount of Rs.39,000/- to the private respondent as compensation. It is submitted on behalf of the State that there are no grounds to interfere with the impugned order.

The petitioner is carrying on business under name of M/s. Revenza Pharmaceuticals Pvt. Ltd. The private respondent had worked as a Trainee Sales Officer with the petitioner company. On 30 September, 2021, the private respondent had submitted his resignation for personal reasons. Thereafter, the petitioner came to learn of the impugned order passed under Section 14 of the West Bengal Shops and Establishments Act, 1963, inter

alia, directing the petitioner to pay a sum of Rs.39,000/- to the private respondent.

It is contended by the petitioner that the respondent authorities have acted in excess of jurisdiction and without any authority of law. The appointment of the Assistant Labour Commissioner to adjudicate the issues under section 14 of the Act is without authority of law. It is further contended by the petitioner that section 14 of the Act is inapplicable to the facts of the case.

For convenience, section 14 of the Act provides as follows:

14. Payment and recovery of wages

- (1) *All wages payable to a person employed in a shop or an establishment shall be paid not later than the tenth day of the month immediately succeeding that in respect of which such wages are payable.*
- (2) *Where any deduction has been made from the wages of any person employed in a shop or an establishment or any payment of wages to such person has not been made within the date referred to in sub-section (1) such person may, within a period of six months from the date on which the deduction from the wages was made or from the date referred to in sub-section (1), as the case may be, make an application to such officer or authority as the State Government may, by notification, appoint in this behalf, for an order under subsection (3):*

Provided that an application under this section may be admitted after the said period of six months if the applicant satisfies the officer or authority that he has sufficient cause for not making the application within such period.

- (3) *The officer or authority to whom or to which any application under sub-section (2) is made may, after giving the applicant and the shopkeeper or employer concerned an opportunity of being heard and after making such further inquiry, if any, as may be necessary, by order, direct without prejudice to any other action which may, under this Act or any other law, lie against the shopkeeper or employer, the payment to the applicant of the amount deducted from the wages or of the wages due, together with such compensation not exceeding ten times the amount deducted in the former case and not exceeding ten rupees in the latter, as the officer or authority may think fit:*

Provided that no direction for the payment of compensation shall be made in the case of delay in the payment

of wages, if the officer or authority is satisfied that the delay was due to,

- (a) a bona fide error or bona fide dispute as to the amount payable to the applicant, or*
 - (b) the occurrence of an emergency, or the existence of exceptional circumstances, such that the shopkeeper or the employer, as the case may be, was unable though exercising reasonable diligence, to make prompt payment, or.*
 - (c) the failure of the applicant to apply for or accept payment.*
- (4) If on hearing any application made under sub-section (2) the officer or authority is satisfied that it was either malicious or vexatious, the officer or authority may, by order direct that a penalty not exceeding fifty rupees be paid by the applicant to the shopkeeper or employer concerned.*
- (5) Any amount directed to be paid by an order under sub-section (3) or sub-section (4) may be recovered by any Magistrate to whom the officer or authority making the order makes application in this behalf as if it were a fine imposed by such Magistrate.*
- (6) An appeal shall lie from an order of the officer or authority dismissing any application made under sub-section (2) or giving any direction under sub-section (3) or sub-section (4), if made within thirty days of the date on which the order was made,-*
- (a) where the shop or establishment concerned is situated in any area within Calcutta as defined in the Calcutta Police Act, 1866 (Ben. Act IV of 1866), to the Court of Small Causes, Calcutta, and*
 - (b) where it is situated in any other area, to the Munsif having jurisdiction over such other area.*
- (7) Nothing in this section shall apply to any person to whom the Payment of Wages Act, 1936 (4 of 1936), applies under section 1 of that Act.*

At the outset, there is a statutory embargo under section 14(6) of the Act, which provides for an Appellate remedy against the impugned order. There is neither any violation of fundamental rights nor are the principles of natural justice been violated nor are the proceeding conducted or orders passed against the petitioner without jurisdiction or in violation of the Act.

In any event, a perusal of the above section and in view of the Notification dated 21 October 2014, it is evident that the section contemplates and authorizes the Assistant Labour Commissioner to adjudicate the subject disputes under section 14 of the Act. The petitioner had notice and participated in the proceedings. There is no procedural infirmity nor contravention of any law nor any erroneous exercise of jurisdiction in the impugned order. The impugned order is also adequately reasoned.

In view of the above, WPA 14321 of 2024 stands dismissed on the ground of maintainability.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties after completion of all necessary formalities.

(Ravi Krishan Kapur, J.)