



W.P.No.12005 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.12005 of 2025

and

W.M.P.No.13572 of 2025

The Managing Partner,
M/s.KHEM CHAND,
D-47/203 A, 2nd Floor, Amrumal Katra, Girjaghar,
Varanasi – 221 010, Uttar Pradesh. ... Petitioner

Vs.

1.The Regional Labour Commissioner (Central),
Authority under the Payment of Wages Act, 1936,
A-Wing, 5th Floor, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai – 600 006.

2.Sandeep Kumar Singh
3.Rajeshwar Dubey
4.R.Nishanth

5.The Senior Executive Engineer,
Southern Railway, Arakkonam,
Vellore – 631 001. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records pertaining to the issuance of the impugned order in the Claim Application No.32/2024, dated 11.12.2024 passed by Regional Labour Commissioner (Central) &



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Authrity under Payment of Wages Act, 1936, A Wing, 5th Floor, Shastri Bhavan, No.26, Haddows Road, Nungambakkam, Chennai – 600 006 and quash the same.

For Petitioner : Ms.S.Renuka Devi

For Respondents : Dr.K.Kannan
Senior Panel Counsel [R1 & R5]

ORDER

This Writ Petition has been filed by the petitioner seeking for issuance of a Writ of Certiorari, to call for the records pertaining to the issuance of the impugned order in the Claim Application No.32/2024, dated 11.12.2024 passed by Regional Labour Commissioner (Central) & Authrity under Payment of Wages Act, 1936, A Wing, 5th Floor, Shastri Bhavan, No.26, Haddows Road, Nungambakkam, Chennai – 600 006 and quash the same.

2. Since no adverse order has been passed against the respondents 2 to 4, notice to the respondents 2 to 4 is dispensed with.

3. Dr.K.Kannan, learned Senior Panel Counsel, accepts notice on behalf of the respondents 1 and 5. In view of the consent expressed by



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the learned counsel for the parties, this Writ Petition is taken up for final disposal at the stage of admission.

4. The case of the petitioner is that, it is a partnership firm and has been doing various projects under contracts and the petitioner took contract projects with the 5th respondent. Meanwhile, the 3rd respondent was appointed as PRO by the petitioner to do administrative work of different sites from Head office at Varanasi and his salary was Rs.16,500/- per month and the petitioner pays the TA & DA separately on his visits to different project work sites. The 3rd respondent should visit all the project work sites to manage the financial activities of the site, likewise, he was sent to Arakkonam site, but he failed to co-operate with other site employees. On 04.09.2022, he left his assigned project work site without any information and thereafter, the 3rd respondent along with the respondents 2 and 4, have filed a claim application u/s 15(2) of Payment of Wages Act, 1936, before the 1st respondent, claiming unpaid wages by the petitioner and the 1st respondent passed the impugned non-speaking order dated 11.12.2024 in favour of the 3rd respondent, directing the petitioner to pay the claim amount of Rs.3,60,000/- and also to pay one time compensation of Rs.7,20,000/- to



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the 3rd respondent. Challenging the same, the petitioner had filed the present writ petition before this Court.

5. Learned counsel appearing for the petitioner submitted that, the 1st respondent ought to have granted adequate opportunity to the petitioner and has gravely erred in bi-passing the principles of natural justice. Hence, the order passed by the 1st respondent is wholly unsustainable and he prays that the impugned order dated 11.12.2024 passed by the 1st respondent may be set aside and remanded to the 1st respondent for fresh consideration.

6. On the above contentions, heard the learned Senior Panel Counsel appearing for the respondents 1 and 5 and also perused the materials available on record.

7. Admittedly, without affording any opportunity to the petitioner, the 1st respondent has passed the impugned non-speaking order against the petitioner, directing the petitioner to pay the claim amount of Rs.3,60,000/- and also to pay one time compensation of Rs.7,20,000/- to the 3rd respondent, which is in violation of principles of natural justice.



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On the sole ground, this Court is inclined to set aside the impugned order passed by the 1st respondent.

8. Accordingly, the impugned order passed by the 1st respondent dated 11.12.2024 in Claim Application No.32/2024 is set aside and the matter is remanded to the 1st respondent for fresh consideration and the 1st respondent shall pass a reasoned order, within a period of eight (8) weeks from the date of receipt of a copy of this order, by affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

9. With the above directions, this Writ Petition is allowed. No costs. Consequently, the connected writ miscellaneous petition is closed.

04.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

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A-Wing, 5th Floor, Shastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai – 600 006.



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M.DHANDAPANI, J.

sp

2.The Senior Executive Engineer,
Southern Railway, Arakkonam,
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