ITEM NO.4

COURT NO.4 SECTION X (HEARING THROUGH VIDEO CONFERENCING)

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No.11993/2020

(Arising out of impugned final judgment and order dated 27-02-2020 in WPMS No.496/2020, 17-08-2019 in WPMS No.2433/2019 passed by the High Court Of Uttarakhand At Nainital)

SANJAY GARG & ANR.

Petitioner(s)

VERSUS

COLLECTOR, HARIDWAR & ORS. ETC.

Respondent(s)

(FOR ADMISSION and I.R.; IA NO.68550/2020 – FOR CONDONATION OF DELAY IN FILING; IA NO.68543/2020 – FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT; and, IA NO.68547/2020 – FOR EXEMPTION FROM FILING O.T.)

Date : 02-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE UDAY UMESH LALIT HON'BLE MR. JUSTICE VINEET SARAN

For Petitioner(s) Mr. Ananga Bhattacharya, Adv. M/s. Veritas Legis, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following O R D E R

In the present matter, the claim preferred by one Paltu Ram was decided *ex parte* vide order dated 22.11.2016 by the Assistant Labour Commissioner, Haridwar, exercising power under the Payment of Wages Act, 1936, who held that Paltu Ram was entitled to Rs.1,43,654/- on account of balance of wages.

Thereafter, an application for restoration was preferred on behalf of the employer which is still pending consideration.

In the proceedings for execution initiated by said Paltu Ram, in view of non-deposit of the dues of Paltu Ram, the amount representing five times the original sum awarded to said Paltu Ram has now been directed to be deposited by the employer.

The challenge in that behalf having been rejected, the present special leave petitions have been filed.

Delay condoned.

Issue notice, returnable on 12.10.2020, subject to the petitioners depositing a sum of Rs.8,61,924/- representing the amount equal to five times the original sum awarded to the employee with the Assistant Labour Commissioner, Haridwar, within seven days from today.

In case the aforesaid money is not deposited within the stipulated time, these special leave petitions shall stand dismissed.

From and out of the money deposited, a sum of Rs.1,50,000/- be made over to respondent Rajendra Kumar son of Late Shri Paltu Ram, upon proof of sufficient identification to the satisfaction to the office of the Assistant Labour Commissioner, Haridwar.

A compliance report shall be submitted by the Office of the Assistant Labour Commissioner, Haridwar, on or before the next date of hearing.

List the matter on 12.10.2020.

(PRADEEP KUMAR) BRANCH OFFICER

(MUKESH NASA) COURT MASTER