

**HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

**Writ Petition (M/S) No. 1222 of 2021**

Vidit Jain

... Petitioner

Vs.

Presiding Authority Payment of Wages Act  
and Assistant Labour Commissioner  
Haridwar and others

... Respondents

Advocates: Mr. Ashutosh Thakral, Advocate, for the petitioner.  
Mr. Suyash Pant, Standing Counsel, for the State

**Hon'ble Sharad Kumar Sharma, J.**

(Via Video Conferencing)

The present petition has been preferred by the petitioner,  
who is the workman, for the following reliefs:-

- “(i) issue an appropriate order or direction in the nature of mandamus commanding/directing the Assistant Labour Commissioner and Presiding Authority under the Payment of Wages Act i.e. the Respondent no. 1 i.e. the Assistant Labour Commissioner /Presiding Authority under the Payment of Wages Act to initiate and expedite recovery of the amount of Rs. 1,15,600/-, payable to petitioner in pursuance to the Award dated 25.01.2018 passed in PWA No. 6 of 2014, ‘Vidit Jain Vs. M/s Cooper Chimney Catering Company.’
- (ii) Issue an appropriate order or direction in the nature of mandamus commanding/directing the Collector, Haridwar i.e. Respondent No. 2 to ensure speedy enforcement of the award after issuance of recovery citation by the Respondent No. 1.
- (iii) to issue any suitable writ, order or direction of any nature which this Hon'ble Court may deem fit and proper in the interest of justice considering the present circumstances of the case.
- (iv) to award the cost of the writ petition in favour of the petitioner.”

2. The Registry has reported that there are two defects that the Interim Relief Application has not been signed by the counsel, and the writ petition has been preferred under a wrong Article.

3. As far as the defect No. 1 is concerned, since looking to the nature of relief sought for, since no interim relief is required to be considered in the present case, hence the same is overruled. As far as the reference of Article is concerned, since it is a formal mistake, which has chanced, hence this writ petition is directed to be treated as to be a writ petition under Article 226 of the Constitution of India.

4. The contention of the petitioner is that on an application, which was filed by him under Section 15(2) of the Payment of Wages Act of 1936, the same was registered before the competent authority as Payment of Wages Act Case No. 6 of 2014, *Vidit Jain Vs. M/s Cooper Chimney Catering Company*, and the same has been decided on merits by an award which was rendered on 25.01.2018, and as a consequence of rendering of the said award, the arrears of wages, which has been assessed to be payable to the petitioner, is of Rs. 1,50,600/-, the same has not been remitted to the petitioner till date.

5. The petitioner has argued and had also pleaded in the writ petition that in view of the proviso to Section 15(3) of the Act, the matter has to be expeditiously decided, since it relates to the payment of wages to a workman, which happens to be the source of subsistence of workman and his family.

6. In that eventuality, he submits that despite the award, having been rendered on 25.01.2018 till date, the same has not been executed and hence he has prayed for in the present writ petition, for an appropriate direction to the Assistant Labour Commissioner and the Presiding Officer, as created under the Payment of Wages Act to expedite the proceedings of the recovery of the awarded amount, by enforcing the award dated

25.01.2018 and also that the Collector, District Haridwar, may be directed to ensure the recovery of the said amount.

7. Without venturing into the merits of the matter, and looking to the implications and the objective of the Act itself, which takes the shape of being a welfare legislation and particularly, considering the fact that the petitioner's rights has already been adjudicated and crystallised on 25.01.2018, this writ petition is being disposed of with a direction to respondent Nos. 1 & 2, that they would jointly ensure to enforce the award dated 25.01.2018, as it has been rendered, under the Payment of Wages Act Case No. 6 of 2014, *Vidit Jain Vs. M/s Cooper Chimney Catering Company*, as expeditiously as possible, but not later than six weeks, from the date of presentation of the certified copy of this judgment.

8. Subject to the above observations, the writ petition stands disposed of.

(Sharad Kumar Sharma, J.)  
30.06.2021