

CASE NO.:
Appeal (civil) 1726 of 2008

PETITIONER:
Prithvi Ram

RESPONDENT:
Malook Singh

DATE OF JUDGMENT: 04/03/2008

BENCH:
ASHOK BHAN & DALVEER BHANDARI

JUDGMENT:
JUDGMENT

O R D E R
CIVIL APPEAL NO. 1726 OF 2008
(Arising out of SLP(C) No. 6984 of 2006)

Leave granted.

Landlord is in appeal.

Respondents-claimants were employed as agricultural labourers at the rate of Rs.80 per day or one-fifth share with the appellant from 01.05.2002 to 30.04.2003.

They filed a claim petition before the Competent Authority under the Minimum Wages Payment Act, 1948 (for short 'the Act') alleging that they were paid wages less than Rs.80 per day or one-fifth share in agricultural employment, as agreed upon; that as per the calculation

on the basis of the Act they were entitled to recover Rs.85,168.32P from the appellant.

Appellant filed his written statement wherein it was stated that the provisions of the Act were not applicable as the respondents were not working as labourers but had taken up the agricultural work on the basis of one-fifth share in crop.

On 07.04.2005, the Competent Authority ordered to proceed ex-parte against the appellant since he did not appear before the

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Competent Authority. On 14.06.2005, the Competent Authority allowed the respondents application and directed the appellant to deposit Rs.85,168/- within 30 days from the date of the order failing which appellant shall pay one time of this amount as compensation.

Appellant filed an application before the Competent Authority for setting aside the order dated 07.04.2005 by which he was proceeded ex-parte and order dated 14.06.2005 by which the award of Rs.85,168/- was passed. The said application was dismissed by the Competent Authority on 28.06.2005. Thereafter, appellant filed a writ petition in the High Court of Punjab and Haryana at Chandigarh seeking setting aside of the aforesaid orders which has been dismissed by the impugned order.

Hence, this appeal by grant of special leave.

This court on 28.04.2006, while issuing notice, directed the appellant to deposit Rs.85,168/- before the Competent Authority within a period of two weeks from the date of the order. By order dated 05.09.2007, this court extended the time to deposit the aforesaid amount within a period of four weeks from the said date. This is an admitted position that appellant has deposited the amount which has been withdrawn by the respondents-claimants.

Counsel for the appellant states that since the amount of Rs.85,168/- has already been withdrawn by the respondents-claimants, this appeal has become infructuous and may be dismissed as such. On the other hand, counsel for the respondents-claimants

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has urged before us that since the appellant had not deposited the aforesaid amount within t

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time granted by this Court, claimants are entitled to more compensation. We do not find any substance in the argument raised by the counsel for the claimants. It is made clear that the amount of Rs.85,168/- shall be in full and final settlement of the wages due. No additional amount in default is required to be paid. Delay, if any, in depositing the said amount is condoned.

The appeal is dismissed accordingly.

JUDIS