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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 4629/2018**

PANCHAYAT MOHALLA CHOORIWALAN THROUGH
PRESIDENT SHRI MANOJ GUPTAPetitioner

Through: Ms. Anshu Agarwal, Advocate

versus

RAM PRASDRespondent

Through: Mr. Parikshit Mahipal, Advocate with
Respondent in person

CORAM:

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

% **26.09.2024**

[Physical Hearing/Hybrid Hearing (as per request)]

CM APPL. 57227/2023 (for release of amount)

1. Heard.
2. The present writ petition assails order dated 31.08.2017 whereby application of the petitioner/management to set aside ex-parte order dated 14.10.2016 was dismissed. Vide ex-parte order dated 14.10.2016, it was held that the petitioner had paid to the respondent wages lesser than the wages prescribed under the Minimum Wages Act, so the petitioner/management was directed to pay an amount of Rs. 2,94,240/- to the respondent as compensation under Section 20 of the Act. In the present petition, vide order dated 02.05.2018, the learned predecessor bench stayed operation of the impugned award, subject to the petitioner depositing a sum of Rs. 1,00,000/-, which direction was complied with and the amount was



deposited on 19.05.2018. The respondent/workman has filed the present application seeking release of the said amount to him.

3. Learned counsel for respondent has taken me through the contents of the application, pointing out that the respondent is an aged person suffering with various ailments and a paralytic wife, for which he is in dire need of money.

4. Learned counsel for petitioner opposes the application on the ground that the respondent was not a workman with the petitioner.

5. Admittedly, the defence raised today that the respondent was not a workman under the petitioner was never brought before the competent authority which passed the order dated 14.10.2016. I have also examined the impugned order dated 31.08.2017 by which the application for setting aside the ex-parte order dated 14.10.2016 was dismissed. Paragraph 3 of the order dated 14.10.2016 and paragraph 3 and 5 of order dated 31.08.2017 reflect the repeated efforts of the authority to serve summons on the present petitioner.

6. Considering the totality of circumstances, the present application is allowed and the amount of Rs. 1,00,000/- deposited by the petitioner is directed to be released to the respondent, subject to the respondent filing an undertaking that in case the petitioner succeeds in the present petition, he would return the said amount.

W.P.(C) 4629/2018

7. List for final arguments on 17.03.2025.

GIRISH KATHPALIA, J

SEPTEMBER 26, 2024/rk

[Click here to check corrigendum, if any](#)