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

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*Date of Decision: 12.12.2024*+ **W.P.(C) 17174/2024, CM APPL. 72883/2024 & CM APPL. 72882/2024 (stay)**

M/S GYAN SALES CORPORATION

.....Petitioner

Through: Mr. Parminder Singh Goindi,  
Advocate

versus

RAJENDRA PRASAD

.....Respondent

Through: None

**CORAM: JUSTICE GIRISH KATHPALIA****J U D G M E N T (ORAL)**

1. The petitioner management has assailed order dated 14.08.2024 passed by the competent authority under the Delhi Shops and Establishment Act 1954, thereby directing the petitioner to pay a sum of Rs.29,400/- towards due earned wages and a compensation of Rs. 5,000/- to the present respondent workman. Having heard the learned counsel for petitioner and having examined the record, I do not find it a fit case to issue notice to respondent workman.

2. Briefly stated, the present respondent workman filed a claim application under Section 21(2) of the Act on 23.01.2023 pleading that he



was employed as Field Worker with the petitioner management at a salary of Rs. 14,000/- per month but for the period from 01.07.2022 to 03.09.2022 he was not paid his earned wages, so the same be got recovered. Upon issuance of summons, the petitioner appeared before the competent authority on 28.02.2023 and was supplied a copy of the claim application. But thereafter, neither anyone appeared on behalf of the petitioner management nor any written statement was filed, so on 24.08.2023, the matter was proceeded ex-parte. In the ex-parte evidence, the respondent workman stepped into the box as WW1 and deposed on oath the contents of his claim application and proved the relevant documents as Ex. WW1/1-5. Going by the said record, the competent authority passed the impugned order dated 14.08.2024.

3. On behalf of petitioner management, it is contended by learned counsel that on 14.08.2024, none appeared on behalf of petitioner because the petitioner was under a bonafide impression that the matter pertained to another similar dispute between the parties. This submission of learned counsel for petitioner fails to convince because as mentioned above, admittedly summons were duly served on the petitioner, after which the petitioner appeared on 28.02.2023 and was supplied copy of claim application and thereafter also, the matter was repeatedly adjourned but none appeared on behalf of petitioner. Even in the application dated 07.10.2024 (*pdf 40*) filed by the petitioner management before the competent authority seeking setting aside of the ex-parte order impugned in the present case,



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there is no denial qua service of summons followed by appearance of petitioner before the competent authority. There is no other challenge to the impugned order.

4. The impugned order was passed on the basis of unchallenged application and evidence. The petitioner management having opted to abandon the proceedings after participating on one date cannot now seek setting aside of the impugned order.

5. I am unable to find any infirmity in the impugned order so the same is upheld and the petition as well as the accompanying applications are dismissed.

**GIRISH KATHPALIA, J.**

**DECEMBER 12, 2024/as**

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