

**BEFORE THE AUTHORITY APPOINTED UNDER THE PAYMENT OF
WAGES ACT, 1936, PUDUCHERRY**

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Present: Thiru.S. MOUTTOULINGAM

Authority under the Payment of Wages Act, 1936,
Labour Department Complex, (II Floor),
Vazhudavur Road, Gandhi Nagar,
Puducherry.

Between

P.W.A.NO.11/2018

Tmt. S. Brinda & 51 others,
Rep. by S. Sivakymar, AIUTUC,
No.85, Veerampattinam Street, Chettiarkadai Bus Stop,
Ariyankuppam, Puducherry-605 007.

Date: 26.9.2019

... Applicants

Vs

1. The Occupier,
M/s. Maulik Leather Crafts Pvt. Ltd.,
Mettupalayam, Puducherry - 605 009.
2. Thiru. Ranvir Bose,
S-3, Surana Apartment, Near Solai Nagar Police Station,
Muthialpet, Puducherry - 3.

... Opposite Parties

Record of Order or Direction

1. Serial Number : 11/2018
2. Date of Application : 01.10.2018
3. Name or names, parentage,
Address or addresses of the applicants,
or some, or all of the applicants belonging
to the same unpaid group : Tmt. S. Brinda & 51 others,
Rep. by S. Sivakymar, AIUTUC,
No.85, Veerampattinam Street,
Chettiarkadai Bus Stop,
Ariyankuppam,
Puducherry-605 007.
4. Name and address of the Employer : (1) The Occupier,
M/s. Maulik Leather Crafts Pvt. Ltd.,
Mettupalayam,
Puducherry - 605 009.

(2) Thiru. Ranvir Bose,
S-3, Surana Apartment, Near Solai
Nagar Police Station,
Muthialpet, Puducherry.



5. Amount claimed
 (a) As delayed wages : Rs. 14,80,024/-
 (b) As deducted from wages : -
6. Plea of the employer and his Examination (If any) : -

7. The factual matrix that stood exposed from the claim application filed by the applicants run thus:

The applicants Tmt. S. Brinda & 51 others represented by Thiru. S.Sivakumar, All India United Trade Union Centre, Puducherry filed a claim application dated 01.10.2018 before the Hon'ble Authority appointed under the Payment of Wages Act, 1936, claiming wage due for the period of 4 months i.e. June, July, August and September'2018 from the management of M/s. Maulik Leather Crafts Private Limited, Mettupalayam, Puducherry. They have estimated the value of the relief to a sum of Rs.14,80,024/-. Further, in their letter dated 06.02.2019 has estimated the value of relief to a sum of Rs.7,53,114/- @ 12% interest. Hence, the applicants prayed before the Hon'ble Authority under the Payment of Wages Act, 1936 to direct the management to pay the wage due in respect of 52 employees amounting to Rs.7,53,114/- (Rupees Seven Lakhs fifty three thousand one hundred and fourteen only) and 12% interest in the interest of justice.

8. The crux of the reply of the opposite parties is as follows:

The opposite party management No.1 in their reply letter dated 12.11.2018, has stated that the Upper Division of Maulik Leather Crafts P Ltd., was closed and has been hired to M/s. Ranvir Bose Enterprises since May, 2018 and thereafter Mr.Ranvir Bose is responsible of all salaries and other expenses of the division. Regarding unpaid salaries he has agreed to pay due salaries to the operators and therefore the matter of non-payment of due salaries may be taken up with Thiru. Ranvir Bose. The opposite party management No.2 Bose Enterprise in their reply letter dated 24.01.2019 has stated that the AIUTUC had no ground to represent the said S.Brinda & 51 others and also on verification there was no Registration No. issued by the Registrar of Trade Unions thereby raising a strong suspicion that the alleged ALL India United Trade Union Centre is a dubious organization with malicious intent to threaten and abuse large companies by blackmailing them for spurious financial gains. Further, the said employees have neither collectively nor individually made any representation to the factory manager or the person appointed under the factories Act to disburse payment of wages to the employees till date. He has further stated that due to business downfall, he is unable to pay the dues to the employees. Hence, requested to grant him ample time to settle the dues of the workers.



9. **Answering:** Section 3 of the Payment of Wages Act, 1936 casts on the employer the responsibility for payment of wages to persons employed by him. In this context, on perusal of the claim application dated 01.10.2018 and reply dated 06.02.2019 filed by the applicants and the contentions made by the opposite parties vide dated 12.11.2018 and 24.01.2019, it is observed that the claim application in Form-A was filed by Tmt. S. Brinda & 51 others represented by Thiru. S. Sivakumar, All India United Trade Union Centre, Puducherry before the Hon'ble Authority under the Payment of Wages Act, 1936 claiming wage due for the period of 4 months i.e. June, July, August and September, 2018 from the management of M/s. Maullik Leather Crafts Private Limited, Mettupalayam, Puducherry. They estimated the value of relief to a sum of Rs.7,53,114/- @ 12% interest.

On the other hand, the Opposite Party No.1 has stated that the Upper Division of Maulik Leather Crafts P Ltd., was closed and has been hired to M/s. Ranvir Bose Enterprises since May, 2018 and thereafter Mr. Ranvir Bose is responsible for all salaries and other expenses of the division. Regarding unpaid salaries he has agreed to pay due salaries to the operators and therefore the matter of non-payment of due salaries may be taken up with Thiru. Ranvir Bose. Whereas, opposite party No.2 Thiru. Ranvir Bose stated that due to business downfall, he is unable to pay the dues due to the employees and thereby requested to grant ample time to settle the dues of the workers.

In this context, during the course of proceedings, the applicants representative the opposite party No.2 has stated that all the workers were paid full salary for the month of June, 2018 and no dues are pending (Photo copy of the salary register duly signed by the workers). Whereas, some of the workers viz. (1) Tamilselvi, (2) Thenmozhi.M, (3) Rammourthy.V, (4) Manjula.V, (5) Sivagamai. P, (6) Sathiyavathi.J, (7) Subashni.E, (8) Gomathi.K, (9) Suguna.J, (10) Sowmiya N.S. have been paid with salary for the month of July, 2018 and the rest of the workers are yet to be paid (Photocopy of the salary register). Further, he has admitted that all the workers are yet to be paid salary for the months of July, August and September, 2018. Further, despite of the advice of the Authority under the Payment of Wages Act, 1936, the opposite party failed to produce the attendance register and wage register for the months of July, August and September, 2018. On the other hand, the applicants representative filed a letter dated 06.02.2019 along with calculation statement, wherein, they have requested the Authority to pass necessary orders directing the opposite party No.2 for payment of Rs.7,53,114/- to the 52 workers.



In view of the above, since the applicants repeatedly pressing for payment of wage due to the workers, as they find it difficult to maintain their family, the Authority under the Payment of Wages Act, 1936, hereby direct the opposite party No.2 to pay the wage due for the months of July, August and September, 2018 amounting to Rs.7,53,114/- (Rupees Seven Lakhs fifty three thousand one hundred and fourteen only) to the applicants Tmt. S. Brinda & 51 others within 30 days from the date of this order.

- (10) Amount awarded
- (a) Delayed wages : Rs. 7,53,114/-
- (b) Deducted wages : NIL
- (11) Compensation awarded : NIL
- (12) Penalty imposed : NIL
- (13) Cost awarded to:
- (a) Court fee charge : NIL
- (b) Pleader's fee : NIL
- (c) Witnesses expenses : NIL
- (14) Date by which the amount
Awarded shall be paid : Within one month from the date of this order.
- (15) Substance of the evidence : -

Signed:

Dated: 26.9.2019


26/9

(S. MOUTTOULINGAM)
AUTHORITY APPOINTED UNDER THE
PAYMENT OF WAGES ACT, 1936.

9.4/48


26/9/19

DESPATCHED