

SL. No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No. 1604 of 2022  <u><b>Hon'ble Manoj Kumar Tiwari, J.</b></u></p> <p>Mr. R.P. Singh, Advocate for the petitioner.</p> <p>Mr. Yogesh Tewari, Standing Counsel for the State of Uttarakhand/respondent nos. 1 &amp; 2.</p> <p>Heard.</p> <p>Petitioner is the employer against whom a complaint was made by his employee (respondent no. 4) alleging therein that petitioner has not paid his due wages for the period between 12.08.2013 to 01.07.2020. The said complaint has been allowed by learned District Consumer Disputes Redressal Commission, Haridwar, vide order dated 04.10.2021 and petitioner was ordered to pay Rs.4,00,340/- with interest at the rate of 6% per annum, to respondent no. 4.</p> <p>Petitioner filed an application seeking recall of the said order, which has been rejected by the Commission, vide order dated 13.06.2022. Thus, feeling aggrieved, petitioner has approached this Court.</p> <p>It is contended by learned counsel for the petitioner that the complaint made by</p>

respondent no. 4 was not maintainable before the Consumer Disputes Redressal Commission and the only remedy available to respondent no. 4 was to approach before the appropriate authority under Payment of Wages Act, 1936. Thus, according to him, the order passed by District Consumer Disputes Redressal Commission is without jurisdiction. In support of this contention, learned counsel for petitioner has placed reliance upon a judgment rendered by Hon'ble Supreme Court in the case of Jagmittar Sain Bhagat & others v. Director, Health Services, Haryana and others, reported in (2013) 10 SCC 136.

This Court is *prima facie* satisfied that the impugned order passed by District Consumer Disputes Redressal Commission is without jurisdiction.

In such view of the matter, issue notice to private respondents, returnable within four weeks.

Steps to be taken within one week.

List this case on 13.09.2022.

In the meantime, no recovery shall be made from petitioner, pursuant to original order dated 04.10.2021.

**(Manoj Kumar Tiwari, J.)**

21.07.2022