



CWP-11455-2015 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CWP-11455-2015 (O&M)  
Date of Decision :24.07.2025

M/S Abbott Truecare Pharma (P) Ltd.

...Petitioner

Versus

Authority under Payment of Wages Act and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Anil Bhat, Advocate (joined through Video conferencing)  
and Mr. Aryaman Thakur, Advocate for the petitioner.

Mr. Navdeep Jain, Advocate for  
Ms. S.K Singla, Advocate for respondent No.2.

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**Harsimran Singh Sethi, J. (Oral)**

1. In the present petition, the challenge is to the order passed by the authorities exercising jurisdiction under Payment of Wages Act dated 27.04.2012 (Annexure P/2) by which, the petitioner was held liable to pay to the respondent No.2-workman a sum of Rs.27,395/- along with penalty of Rs.54,790/-. As the said award was an exparte award, thereafter, an application was moved by the petitioner for setting aside the said exparte award, which application after being considered has been rejected by the authorities concerned vide order dated 13.02.2015 (Annexure P/3), which order is also under challenge in the present petition.

2. Learned counsel for the petitioner argues that the petitioner did not had any knowledge about the proceedings initiated by the respondent-



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workman as the petitioner never received the summons to appear in the said proceedings. Further, qua the challenge to the order dated 13.02.2015 (Annexure P/3) by which, application filed by the petitioner for recalling the exparte award was dismissed, learned counsel for the petitioner argues that without there being any substantial evidence, a finding has been recorded by the authorities concerned that the petitioner failed to prove that the petitioner did not receive the summons at the first instance before being proceeded ex-parte or that he was wrongly proceeded ex-parte.

3. Learned counsel for the petitioner submits that once, the service upon the petitioner was not executed as per the provisions of Civil Procedure Code, 1908, the order passed by the authorities concerned by which, the petitioner was proceeded exparte, is illegal and therefore, the award passed, which is based upon an illegality, by which the petitioner was proceeded ex-parte cannot be sustained in the eyes of law especially when, requisite application was made by the petitioner for recalling the said exparte award, which application was also dismissed vide order dated 13.02.2015 (Annexure P/3).

4. The prayer of the petitioner is that impugned award may kindly be set aside and liberty be given to the petitioner to present his case.

5. Learned counsel for the respondents submits that the addresses which were given in the application before the authorities under the Payment of Wages Act have not been disputed by the petitioners. Further, registered letters sent to the petitioner were never received back undelivered and it is a settled principle of law that when summons are sent through registered post whereby such summons are not received back, the same is held to be as



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deemed service. Hence, the claim of the petitioner that the petitioner was not served before being proceeded ex parte is incorrect and if the ex parte award for sum of Rs.27,395/- which was passed about 13 years ago is set aside and is sent again for fresh adjudication, the same will create more problem for the workman so as to go back before the authorities under the Payment of Wages Act.

6. The respondent-workman, who is appearing through virtual mode submits that he has already been suffering the litigation from the last one decade and would like to settle the issue with the petitioner so that more time of either of the parties is not consumed in litigation.

7. Keeping in view the fact that respondent workman wanted to settle the issue both the counsel along with respondent-workman have agreed that as a full and final settlement of the respondent-workman, a sum of Rs.60,000/- will be paid to the respondent-workman, but question of law which has been settled by the impugned order be kept open so that petitioner does not suffer the prejudice at hands of the other workman and petitioner be given liberty to contest in case any other workman raises similar dispute.

8. Keeping in view the totality of the facts and circumstances of the present case, as agreed between the parties, an amount of Rs.60,000/- already deposited before the authorities concerned be given to Mr. Anuj Dhingra-respondent No.2 as full and final settlement and rest of the amount be returned back to the petitioner-company and question of law with regard to the entitlement as assessed by the authorities is kept open to be decided in case, any such claim is raised against the petitioner by any other workman.



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9. Present petition is disposed of in above terms.
10. Let the present order be complied with by the authorities concerned where the amount is lying deposited and the same be released as per this order within a period of 03 weeks from the date of receipt of copy of this order.
11. Civil miscellaneous application pending, if any, is also disposed of.

**July 24, 2025**  
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**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes*  
*Whether reportable : No*