

State of Punjab and Others

Vs

Baldev Singh, Conductor

Civil Appeal No. 5950 of 1994

(K. Venkataswami, V. N. Khare JJ)

12.08.1997

ORDER

1. Against the respondent disciplinary action was taken which culminated in the orders of punishment reducing the pay to the minimum stage of time scale. Instead of challenging the orders passed, pursuant to the disciplinary proceedings the respondent moved the authority under the Payment of Wages Act and that authority without appreciating the scope of the impugned order passed pursuant to the disciplinary proceedings set aside the order on the ground that the order passed in the disciplinary proceedings did not prescribe any time-limit for the minimum stage of time scale and, therefore, it was bad in law. The revision filed in the High Court against that order also failed. Hence, this appeal by special leave.
2. Though notice was served, the respondent has chosen to remain absent. Learned counsel for the appellants submitted that the authority constituted under the Payment of Wages Act has no jurisdiction to interfere with the orders passed under the disciplinary proceedings. We find that the argument of the learned counsel is well founded and the orders passed by the authority under the Payment of Wages Act was without jurisdiction. Accordingly the order passed by the authority under the Payment of Wages Act and confirmed by the High Court is set aside and the appeal is allowed. However, there shall be no order as to costs.