

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2452 of 1998

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Chandrachur Deo son of Late Mathura Prasad, resident of village –Diha, PO-Sadpur, PS-Sahebpur Kamal, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Presiding Officer, Industrial Tribunal, Patna and Appellate Authority under the Minimum Wages Act, 1948.
3. The Presiding Officer, Labour Court, Begusarai and Authority under the Minimum Wages Act, 1948.
4. The Labour Enforcement Officer, Balia, Begusarai
5. Bhism Kumar sonof Surya Mandal, Labour Enforcement Offcier, Balia, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the State : Mr. G.Shankar, AC to GP-6

For Resp. Nos. 6 to 12 and : Mr. Naresh Kumar Sinha
14 to 28

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 16-02-2015

No one appears on behalf of the petitioner. The counsel
for the State is present.

In the present case, the matter is arising from Minimum
Wages Case No. 11 to 33/94 in which the Labour Court, Begusarai
has passed a common order whereby directed for payment of
difference of wages amounts to Rs. 10780/-.

Short fact of this case is that the Labour Enforcement
Officer, who is Inspector, under the Minimum Wages Act, filed
altogether twenty cases in Labour Court, Begusarai which was



registered as M.W.Case No. 11/94 to 33/94 and all the cases were made analogous and after registration of the cases, notices were given to the petitioners in all the cases through the registered cover. When the establishment did not turn up, the case was fixed for ex-parte hearing. During the proceeding, workmen concerned were examined and they have supported their cases, accordingly, impugned order dated 11th July 1994 was passed where the authority has computed the difference of arrear of back wages for individual employees and directed for payment and later on, the petitioner-establishment filed Miscellaneous (R) Case No. 2/95 for setting aside the ex-parte order, the Labour Court considered the plea of petitioner-management about non-service of notice upon them taken into consideration, the notices were sent through registered cover with correct address, would be presumed to have reached to its destination, accordingly, the same was rejected. Against that order, the petitioner filed an appeal which was registered as Minimum Wages Appeal No. 2 of 1996 before the Industrial Tribunal, Patna being an Appellate Authority under the Minimum Wages Act there the Tribunal has recorded that the appeal was hopelessly time barred and the same was dismissed.

Today, no one is present on behalf of the petitioner to press this application and also before the Labour Court the

petitioner-establishment did not appear, so much so that employee concerned appeared gave their respective oral evidences before Labour Court, Begusarai and supported their case by the oral evidence. When the management-petitioner did not appear even after notice sent through registered cover, Labour Court has rightly proceeded ex-parte and decided the case against the establishment so much so the amount computed is paltry of Rs. 10870/- only, this Court is not inclined to interfere in the matter.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

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