

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1228 of 1997

Julian Mishra @ Ram K.Mishra S/o Suresh Mishra, resident of village-Shambho (Totaha), PO & PS-Shambho, District-Begusarai.

..... Petitioner/s

Versus

1. The State of Bihar.
 2. The Secretary, Labour and Welfare Department, Bihar, Patna
 3. The Commissioner, Labour and Welfare Department, Bihar, Patna
 4. The Assistant Commissioner, Labour (Agricultural) Department, Mungher
 5. The Superintendent, Labour (Agricultural) Department, Begusarai
 6. The Additional Collector, Begusarai
 7. The Anchal Adhikari, Matihani, Begusarai
 8. Neelam Devi W/o Ramshevar Paswan
 9. Uma Devi W/o Ramdeo Paswan
 10. Gaya Devi W/o Ramjee Paswan
 11. Chandrakala Devi W/o Ramchandra Paswan,
- All respondent Nos. 8 to 11 are residents of village-Shambho, PS & PS-Shambho (Tolaha), District-Begusarai.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Bilash Mahto Adv.
Mr. Rajiv Ranjan Sinha, Adv.
Mr. Manoj Kumar Singh, Adv.
Mr. Chandan Kumar Verma, Adv.
For the Respondent/s : Mr. Rakesh Ambastha, AC to AAG-15

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2015

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is challenging the order dated 24th September 1994 passed by Additional Collector-cum-Appellate Authority under the Minimum Wages Act, Begusarai in Minimum Wages Appeal Case Nos. 11/95-95, 12/05-96, 13/95-96 and 14/95-96, Annexure- 5 series to the writ application, by which affirmed the

order dated 13th November 1995 passed by Anchal Adhikari, Matihani in Minimum Wages Case Nos. 1 of 1993-94/50 of 1995-96, 3 of 1993-94/51 of 1995-96, 4 of 1993-94/52 of 1995-96 and 5 of 1993-94/49 of 1995-96.

It appears that the Labour Enforcement Officer filed a case for payment of minimum rate of wages.

It has been claimed in the claim application that all the private respondents i.e. Respondent nos. 8 to 11 had worked as agricultural labours but were not paid the minimum rate of wages for nine days, for that, the Labour Enforcement Officer filed a case before the Circle Officer for proper calculation and direction for the payment. The case was registered, notices were issued. On notice, Petitioner appeared and took a plea that he had not taken any work from them as an agricultural labour and the Labour Enforcement Officer has wrongly lodged this case on account of village politics but the Circle Officer did not accept the plea of the petitioner and directed for payment of the minimum wages. The Circle Officer rejected the plea of the petitioner and calculated the salary for 10 days at the rate of Rs. 16.50 minus 14 rupees paid, arrived to Rs. 151 and compensation five times, directed for recovery of the said amount which was challenged before the Appellate Court and the Appellate Court also refused to interfere with the order of the Circle Officer.

The counsel for the petitioner has submitted that as there was no dispute of minimum rate of wages but it is a case of non-payment of wages, the proceeding under Minimum Wages Act, is not maintainable and in support of his submission, he has relied on judgment reported in **(1991) SCC [Suppl.] 2 465, para 16 and 17 (Manganese Ore (India) Ltd. vs. Chandilal Saha & Ors).**

In the present case, the petitioner is claiming minimum wages fixed by the Government, even if there is no dispute of minimum rate of wages, it cannot be said that less payment cannot be recovered under the Minimum Wages Act which is apparently clear from the language used in section 20 of Minimum Wages Act.

In such view of the matter, this Court does not find any error in the impugned order.

Accordingly, this petition is dismissed.

(Shivaji Pandey, J)

Mahesh/-

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