

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8903 of 2011

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Girindra Nath Chaudhary, son of Late Deo Nandan Chaudhary, resident of village and P.O. Paroo, P.S. Paroo, District - Muzaffarpur, presently the Director of Paroo Prakhanda Samagra Vikas Pariyojana, Gokhula Paroo, P.S. Paroo, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar
2. The Presiding Officer, Labour Court, Muzaffarpur, District - Muzaffarpur
3. The Labour Superintendent, Muzaffarpur, District - Muzaffarpur
4. Smt. Sushila Devi, wife of Sri Rama Nand Prasad Singh, resident of village - Rup Narayanpur, P.O. Neknampur, P.S. Paroo, District - Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh

For the Respondent/s : Mr. AC to GP-15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 13-08-2015 Heard Sri Vijay Kumar Singh, learned counsel for the petitioner, learned AC to GP-15 as well as learned counsel, who has appeared on behalf of Respondent no.4.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an order dated 05.12.2007 passed by the Presiding Officer, Labour Court, Muzaffarpur in Misc. Case no. 41 of 2000. By the said order, the learned Presiding Officer has directed the employer of Respondent no.4 i.e. the petitioner to pay Rs. 22,705/- only as difference of wages to the Respondent no.4. Respondent no.4 had approached the Labour Court under Section



33C (2) of the Industrial Disputes Act, 1947 for a direction to her employer i.e. the petitioner to pay difference of wages. It was claimed that from 1.11.1994 to September 1996, she was paid meager amount @ Rs.300/- per month, whereas under the provisions of Minimum Wages Act, it was fixed as Rs.1140.80. Respondent no.4 further claimed that she has not been paid after September, 1996 till June,1997. Before the Presiding Officer though the petitioner appeared and raised preliminary objection on the point of maintainability, subsequently he left doing pairvi in the case and finally the case proceeded ex parte and after examining the evidences produced on behalf of workman i.e. Respondent no.4, an order has been passed by the Presiding Officer for payment of Rs.22,705/- to the Respondent no.4. The petitioner of the present case has been directed to pay the said amount to the Respondent no.4 (applicant).

Learned counsel for the petitioner has raised a plea that the petitioner's organization is voluntary organization and it can not be included within the meaning of Industry and, as such, the provision of Industrial Dispute Act is not applicable. Fact remains that after filing of preliminary objection on the point of maintainability, the petitioner had left doing pairvi and, as such, the case proceeded ex parte.

Moreover, keeping in view the meager amount i.e. Rs. 22,705/-, which has been directed by the Labour Court to pay the said amount to the Respondent no.4 by the petitioner, this Court is refraining from interfering with the matter. The writ petition stands dismissed.

(Rakesh Kumar, J)

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