

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 21801 of 2014

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Om Prakash Keshri Son of Late Durga Prasad Keshri Resident of Mohalla-Badi Road, Kathokar Talab, Near Dr. D.P. Khetan, P.S.- Civil Lines, District-Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Presiding Officer, Labour Court, Dalmia Nagar, District- Rohtas.
3. Hari Yadav
4. Bharat Yadav

Both sons of Sri Chaitu Yadav Resident of village-Bagoman, P.O.-Punakala, Police Station-Paraiya, District-Gaya.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Respondent/s : AC to GP - 17

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 24-07-2015 Heard learned counsel for the petitioner and learned A.C. to Govt. Pleader – 17.

The petitioner in the present writ petition has assailed an order dated 06-09-2014 passed in P.W. Case No. 02 of 2013 by the Presiding Officer, Labour Court, Dalmia Nagar, Rohtas. By the said order, a preliminary objection raised by the petitioner on the point of maintainability has been rejected.

Learned counsel for the petitioner submits that since the private respondents i.e. respondent no. 3 & 4 were not employees of the petitioner, there was no question for the learned court below to proceed with the case. Secondly, it has been

argued that the claim filed by the respondent no. 3 & 4 was barred by limitation and as such, on the basis of preliminary objection, the learned Presiding Officer, Labour Court, Dalmia Nagar, Rohtas was required to reject the Payment of Wages Case No. 02 of 2013.

Besides hearing learned counsel for the petitioner and State, I have also perused the materials available on record, particularly; impugned order. The question whether the respondent no. 3 & 4 were actually employees of petitioner or not was not to be adjudicated at the preliminary stage. So far limitation point is concerned, it is evident that the case was filed by the petitioner under Section 15 of the Payment of Wages Act, 1936 alongwith the limitation petition explaining the reasons for delay. From the order, it is evident that the learned court below was satisfied with the reasons for delay and condoned the same.

In view of the facts and circumstances, I do not find any ground for interference with the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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