

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12478 of 2004

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Vijay Singh, son of Chandrika Singh, resident of village- Vijayapura, P.S. Dhanarua,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Authorities under the Minimum Wages Act, 1948 cum Labour Superintendent, South Area, Patna.
3. The Labour Enforcement Officer, Danarua, District- Patna.
4. Yogendra Manjhi, son of Late Shrakh Manjhi, P.S.- Dhanarua, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

Mr. Arun Kr.Pandey

For the Respondent No.1 to 3: Mr. Harish Kumar, G.P. 32

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 27-04-2015

The petitioner, an employer under the meaning of The Minimum Wages Act, 1948 (in short 'the Act'), has filed the present writ petition under Article 226 of the Constitution of India assailing the validity and correctness of the order dated 17.02.2003 (Annexure-1) passed in Case No.M.W (2)-53/2001 by the respondent no. 2, whereby the claim filed by the respondent no.4 for grant of minimum wages in terms of Section 20(2) of the Act has been allowed and the petitioner has been directed to pay a sum of Rs.15,342/- only to the respondent no.4.

Admittedly, the claim allowed in favour of the respondent no.4 is only with respect to a paltry sum of Rs. 15,342/-. Furthermore, this Court finds that the impugned order dated 17.02.2003 (Annexure-1) is appealable in terms of Section 20(6) of the Act as amended by State Amendment vide Bihar Act 5 of 1983 before the prescribed appellate authority. If the petitioner was at all aggrieved against the impugned order, he ought to have approached the appellate authority,

but that has not been done in the present case, and, straightway, he has filed the present writ petition before this Court raising the issues of facts regarding the impugned order dated 17.02.2003 (Annexure-1). In the aforesaid factual matrix of the case, this Court does not find any good ground to interfere with the impugned order dated 17.02.2003 (Annexure-1) passed by the respondent no.2.

In the result, the writ petition has to fail. The petitioner must pay the amount in question to the respondent no.4, if it has not been paid to him within a maximum period of one month from today. If the amount is not paid to the respondent no.4, then the State of Bihar and its functionaries shall be entitled to take all coercive measures for implementation of the order dated 17.02.2003 (Annexure-1).

The writ petition stands finally dismissed with the observations and directions made above.

(Birendra Prasad Verma, J)

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