

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2178 of 1999

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1. Ratan Kumar of Late Gyaneshwar Prasad Choudhary
 2. Rajesh Kumar son of Late Gyaneshwar Prasad Choudhary
 3. Rajeev Kumar son of Late Gyaneshwar Prasad Choudhary under the guardianship of Natural mother, petitioner no. 4
 4. Most. Narayani Devi wife of Late Gyaneshwar Prasad Choudhary
- All residents of village-Mahua Sadapur, PS-Mahua, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Collector, Hajipur, Vaishali
3. The Anchala Adhikari, Mahua, Vaishali
4. Hari Charan Rai son of Sonu Rai, resident of village-Mahua Sadapur, PS-Mahua, District-Vaishali.
5. Raj Kumar Rai son of Haricharan Rai, resident of village-Mahua Sadapur, PS-Mahua, District-Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Girish Chandra Verma

For the Respondent/s : Mr. GP-3

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 25-02-2015

In this case, the petitioner is challenging the order dated 24th November 1998 (Annexure-2) passed by Additional Collector, Hajipur, Vaishali in Minimum Wages Case No. 6/1995-96 whereby and whereunder he has not interfered with the order dated 28th April 1994 (Annexure-1) passed in Case No. 7/1993-94 though he has modified the order to some extent.

A case under the Minimum Wages Act, was filed before the Assistant Labour Commissioner, Agricultural Labour, Muzaffarpur but the same was transferred for disposal to Anchal



Adhikari, Mahua which was registered as Case No.7/1993-94. Claim was filed by Labour Inspector on behalf of Respondent no. 4 Hari Charan Rai and Respondent no. 5 Raj Kumar Rai for payment of wages of Rs.11,560/- including compensation of Rs. 40,000/- in total Rs. 51560/-. According to the claim, Respondent nos. 4 and 5 were not paid wages in terms of minimum rates of wages for 26 months and 24 months respectively from 01/09/1983 to 31/10/1985 for Hari Charan Rai and from 1st November 1983 to 31st October 1985 for Raj Kumar Rai.

On receipt of the notice, original petitioner filed an objection stating that the complaint application is mischievous, malafide and de hors to the provisions of law and denied their engagement as labourers, has been taken plea of pendency of two civil cases, namely, T.S. No. 61 of 1985 and Case No. 30 of 1986 in between them, the present case has been filed to settle score without having any truth in the complaint.

The Circle Officer arrived to a finding that the private respondents worked on daily wages since 1985 but were wrongly deprived of the minimum rate of wages fixed by the Government, accepted the claim of private respondents, directed for payment of wages of Rs. 11,560/- and Rs. 40,000/- as compensation in total Rs. 51560/-.



An appeal was filed before Additional Collector, Vaishali, vide Minimum Wages Case No. 6/1995-96 there the Appellate Court arrived to a conclusion that the Circle Officer has wrongly allowed the case of the private respondents when claimants were not examined before the Circle Officer to support their case, so much so that the case for minimum wages can be filed only for preceding six months and for further period complaint petition will be entertained subject to condonation of delay, the Circle Officer should not have entertained the application without condonation of delay, so much so that he has recorded that already civil dispute was/is pending in between them in connection with *Basgit Parcha* under the Privileged Persons Tenancy Act and for the same land civil suit, before the Civil Court is pending arrived to a conclusion that the Circle Officer was required to make an enquiry deeply but he failed to do so. He also recorded that prior to filing of the complaint case, they were carrying inimical relationship. He also recorded, for arriving to a right finding, the Circle Officer was required to examine complainant but failed nor he made an effort to find out real truth by making a local inspection and found that the order of the Circle Officer was completely illegal but directed for payment of Rs. 5,400/- on account of pendency of case for a long period. Neither of the parties appeared in this case, when the Appellate Court found that the order of the

Circle Officer is bad and has also assigned the reasons for arriving to a finding of illegality, in that circumstance, direction of payment of Rs. 5,400/- to the private respondents is completely unjustified. The person will be entitled to the amount of wages provided the person worked on daily wages and proper payment has not been made. The forum of Court cannot be used as weapon to settle the score and out of vengeance.

In such view of the matter, the order dated 24th November 1998 passed in Minimum Wages Case No. 6/1995-96 is hereby quashed and this petition is allowed.

(Shivaji Pandey, J)

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