

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4239 of 2011

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M/S Amba Keshari Chitra Mandir & Ors

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Atul Kumar Pandey, Advocate

For the Respondent/s : Mr. Shashi Shekhar Prasad Sinha, AC to GP 13

For respondent No. 5 to 16: Mr. Jintendra Kumar Rai.

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 17-07-2015

Heard learned counsel for the petitioners as well as learned
counsel appearing for the respondents.

The petitioner no.1 is Cinema Hall and petitioner nos. 2 and
3 are the proprietors of the said Cinema Hall, and have prayed for
setting aside the order dated 29.11.2010, passed in Minimum Wages
Appeal Case No. 14 of 2010 by respondent no.2, Labour
Commissioner-cum-Appellate Authority (Minimum Wages Act),
Bihar, Patna. The petitioners have also prayed for quashing the order
dated 09.10.2010 passed in M.W. Nos. 138 to 146 of 2002 of
respondent no.3 and also order dated 01.11.2012 which merged in the
order dated 09.10.2010 passed in M.W. Nos. 138 to 146 of 2002.

The petitioners initially challenged the various orders
passed in M.W. Nos. 138 to 146 of 2002 in the year 2002. Apart from

merit, the petitioners also raised an issue that the Assistant Labour Commissioner without condoning the delay admitted the case for hearing. Finding substance in the submission of the petitioners, the matter was remanded to the Assistant Labour Commissioner to consider the limitation issue. Thereafter the Assistant Labour Commissioner passed order dated 09.10.2010 (Annexure-2).

Learned counsel submits that the Assistant Labour Commissioner did not give any definite reasons for condoning the delay, rather he condoned the delay.

Counsel for the respondents submits that the Labour Commissioner in detail has considered the limitation matter.

I find that the Assistant Labour Commissioner had considered the matter, but the orders have not been happily worded. In this view of the matter, I do not find any merit in the objection of the petitioners that the Assistant Labour Commissioner did not consider the limitation matter.

The petitioner has next challenged the order of the appellate authority contained in Annexure-1. I find that the appellate authority had not considered the matter on merit.

In this view of the matter, I remit the matter to the appellate authority to rehear the matter afresh on its merit and disposed of it within a period of four months from the date of receipt of a copy of

this order.

It goes without say that the parties should appear on their own before the appellate authority. It will be open for the respondents to take all such objections with respect to maintainability of the appeal, if the necessary amount has not been deposited in terms of Section 5(a) of the Minimum Wages Act.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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