

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5277 of 2014**

=====

Mahabir Bansal Son Of Shiv Narayan Bansal, resident of village + P.O.-  
Mohania, Beside Western Side of Mohania Police Station Barakatnagar  
Gali G.T. Road Mohania P.S.- Mohania, District- Kaimur (Bhabhua)

.... .... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Labour, Bihar at Patna
2. Assistant Labour Commissioner, Department of Labour, Dalmiyanagar, Dihri P.S.- Dalmiya Nagar, District- Rohtas at Sasaram
3. Labour Superintendent, Dalmiyanagar, Dihri, P.S.- Dalmiya Nagar, District- Rohtas at Sasaram
4. Labour Inspector, Dalmiyanagar, Dihri P.S.- Dalmiya Nagar, District- Rohtas at Sasaram
5. Subhash Ram son of Ram Chandra Ram, resident of village + Post-Dadar, P.S.- Mohania, District- Kaimur, Mohania (Bhabhua)

.... .... Respondents

=====

**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr. AC to SC-26

=====

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

2      16-07-2015                      Heard Sri Sumit Kumar Singh, learned counsel, who was assisted by Sri Anil Kumar Singh, learned counsel for the petitioner, learned AC to SC-26 and learned counsel, who has appeared on behalf of Respondent no.5.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for quashing of an interim order dated 28.12.2013 passed by the Presiding Officer, Labour Court, Dalmiya Nagar, Rohtas in Minimum Wages Case no.4 of 2011. By the said order, the learned

court below has turned down the objection filed on behalf of the petitioner regarding maintainability of the case on the ground of limitation.

Learned counsel for the petitioner submits that as per calculation of limitation period, a claim was filed after expiry of six months, whereas learned court below has calculated the date of limitation from the last date of claimed amount.

Learned counsel, who appears on behalf of private Respondent submits that under the provisions contained in proviso to Section 20 of the Minimum Wages Act itself authorises the court below to condone the delay.

Be that as it may, the Court is of the opinion that interim order passed in a proceeding under the Minimum Wages Act may not be examined by this Court. The plea, which has been raised by the petitioner, can be considered at the final stage of Minimum Wages Case no.4 of 2011.

The writ petition stands disposed of.

**(Rakesh Kumar, J)**

NKS/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|