

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 7577 of 2013**

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Haridwar Prasad Keshari S/o Late Radha Kishun Keshari R/o Village-  
Itarhi, P.S.- Itarhi, District- Buxar

.... .... Petitioner

Versus

1. The State of Bihar through Secretary cum Commissioner Labour  
Department, Patna, Bihar
  2. Additional Collector, Buxar
  3. Sub Divisional Officer, Buxar
  4. Labour Enforcement Officer, Itarhi, District- Buxar
  5. Radhe Shyam Singh S/o Mahendra Singh
  6. Jagdish Prasad Keshri S/o Late Radha Kishun Keshri
  7. Sanjay Prasad Keshri S/o Late Radhe Kishun Keshri
  8. Most. Bhagmani Devi W/o Late Radha Kishun Keshri
- All are Resident of Village- Itarhi, P.S.- Itarhi, District- Buxar.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Arun Kumar Gupta  
For the Respondent/s : AC to GA – 7  
Mr. Arun Kumar

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

4. 17-08-2015 Heard Sri Arun Kumar Gupta, learned counsel for the  
petitioner, learned A.C. to Govt. Advocate – 7 as well as Sri Arun  
Kumar, learned counsel, who appears on behalf of private  
respondents.

The petitioner has approached this Court invoking its  
writ jurisdiction under Article 226 of the Constitution of India  
with a prayer to set aside an order dated 07-12-2012 passed by the  
learned Additional Collector, Buxar in Minimum Wages Appeal  
Case No. 03 of 2008-09. By the said order, learned Addl.



Collector has rejected the appeal preferred by the petitioner against order dated 18-07-2008 passed in Case No. 41 of 2002 by the Sub-Divisional Officer, Buxar. The Sub-Divisional Officer had allowed the minimum wages case filed by the private respondents claiming the wages, which were paid to them, less than the minimum wages. Before the Sub-Divisional Officer, though the father of petitioner, being employer of private respondents, had appeared and filed show cause, but after filing show cause, he left doing pairvy in the case and as such, the case proceeded ex parte and the learned Sub-Divisional Officer passed an order for making payment of Rs. 12,000/- as dues wages and Rs. 24,000/- as compensation amount i.e. total amount was to be paid Rs. 36,000/-. Against the order of the Sub-Divisional Officer, the petitioner filed an appeal before the Addl. Collector, however; by order dated 07-12-2012, the appellate court affirmed the order of the Sub-Divisional Officer. Aggrieved with both the orders, the petitioner approached this Court by filing the present writ petition.

Learned counsel for the petitioner tried to persuade the Court that there was no relation of employer and employee in between the petitioner and private respondents and also the claim was time barred.

Keeping in view the fact that the order passed under the provisions of Minimum Wages Act, 1948 by the Sub-Divisional Officer has already been affirmed by the learned Collector, the question regarding the dispute of relationship between the employer and employee may not be examined, while exercising the power of judicial review. Moreover, keeping in view the meagre amount, the Court is not inclined to interfere with the matter.

The writ petition stands dismissed.

**(Rakesh Kumar, J.)**

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