

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17759 of 2014

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Jhagaru Sah son of Late Parshuram Sah, resident of Village - Maswas, P.S. -
Kangali, District - West Champaran.

..... Petitioner

Versus

1. The State of Bihar.
 2. The Labour Commissioner-cum-Appellate Authority Minimum Wage Act
1948, Patna.
 3. The Assistant Labour Commissioner-cum-Authority, Bettiah, West Champaran.
 4. Shiv Nath Sah son of Sri Bhagirath Sah
 5. Santi Devi wife of Sri Shiv Nath Sah
- Both are resident - Maswas P.S. - Kangali, District - West Champaran.

..... Respondents

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate
For the State : Mrs. Binita Singh, SC-28
Mr. Nishant Kumar Jha, AC to SC-28
For private respondents : Mr. Ram Kishun Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 27-07-2017

In this writ petition, the petitioner has prayed for quashing of the order dated 27.09.2013 passed in Minimum Wages Case No. 35 of 2011 by the Assistant Labour Commissioner-cum-Authority, Bettiah, West Champaran by which the petitioner has been ordered to pay Rs.1,08,000/- to private respondent nos. 4 and 5 as minimum wages and damage etc. The petitioner has also prayed



for quashing of the appellate order dated 30.07.2014 passed in Minimum Wages Appeal No. 2 of 2013 by the Labour Commissioner-cum-Appellate Authority whereby the appeal preferred against the aforesaid order dated 27.09.2013 has been dismissed.

2. It is contended by the learned counsel for the petitioner that both the aforesaid orders dated 27.09.2013 and 30.07.2017 are bad in law as they are not supported with any reason or finding.

3. On the other hand, learned counsel for private respondents has submitted that the complainants had appeared before the Assistant Labour Commissioner-cum-Authority and had deposed before him in respect of lesser wages paid by petitioners. He had also been cross-examined by the petitioners. He has submitted that after recording the evidence of the complainant, the Authority had passed the order which was also upheld by the Appellate Authority and no illegality can be found with those orders.

4. I have heard learned counsel for the parties and perused the impugned order dated 27.09.2013 passed by the Assistant Labour Commissioner-cum-Authority, Bettiah, West Champaran and the order dated 30.07.2014 passed by the Labour Commissioner-cum-Appellate Authority.

5. It would be evident from the aforesaid orders that no



reason has been assigned in the orders as to why the claim of non-payment of minimum wages made by the private respondents has been accepted and denial of lesser payment of wages made by the petitioner has not been accepted. There is no discussion of evidence in the impugned order passed by the Authority. The Appellate Authority has also passed a cryptic order and has not discussed any evidence which was adduced in the quasi judicial proceeding.

6. It is well settled in law that where an authority makes an order in exercise of a *quasi* judicial function, it must record its reason in support of the order it makes. In this regard, reference may be made to the decisions of the Hon'ble Supreme Court in the cases of M/S Woolcombers of India Ltd vs. Woolcombers Workers Union & Anr. [AIR 1973 SC 2758], Siemens Engineering & Manufacturing Co. of India Ltd. vs. Union of India & Anr., [AIR 1976 SC 1785] and S.N. Mukherjee vs. Union of India [AIR 1990 SC 1984].

7. The recording of reasons in a *quasi* judicial order introduces clarity in the order and without the same, it becomes absolutely vague. Failure to records reasons makes the order non-transparent.

8. In that view of the matter, the orders impugned cannot be sustained. Accordingly, the order dated 27.09.2013 passed in Minimum Wages Case No. 35 of 2011 by the Assistant Labour



Commissioner-cum-Authority, Bettiah, West Champaran under the Minimum Wages Act and the appellate order dated 30.07.2014 passed in Minimum Wages Appeal No. 2 of 2013 by the Labour Commissioner-cum-Appellate Authority are hereby quashed. The matter is remanded back to the Assistant Labour Commissioner-cum-Authority, Bettiah, West Champaran, who shall hear the parties afresh and pass necessary order in accordance with law.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.07.2017
Transmission Date	NA

