IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17735 of 2015

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Nagendra Prasad Mandal, Son of Late Gowardhan Mandal, Resident of village - Maheshi, P.O. -Tilakpur, District - Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Industries, Government of Bihar, Patna
2. The Assistant Industry Director (Resham), Bhagalpur
3. The Presiding Officer, Labour Court, Bhagalpur
4. The Labour Enforcement officer, Sultanganj, District - Bhagalpur
5. Centre In-charge, Rajkiya Malwari Chaki Keetpalan Awam Bitran Sah Prasar Kendra, Sultanganj, District - Bhagalpur

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Dhirendra Nath Jha, Advocate
Mr. Chandra Shekhar Sharma, Advocate
For the Respondent-State: Mr. Raghwendra Kumar, SC-22

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT
Date: 03-04-2017

This writ application has been filed by the petitioner challenging the order dated 06.03.2012 passed by the Presiding Officer, Labour Court, Bhagalpur in Minimum Wages Cases No. 18 of 1999 dismissing the case filed by the petitioner for payment of due wages.

2. The claim of the petitioner was rejected by the Labour Court on the ground of vagueness of claim as also the fact that no document could be produced in order to show appointment of the petitioner in the Rajkiya Malwari Chaki Keetpalan Awam Bitran Sah Prasar Kendra, Sultanganj, Bhagalpur where the

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petitioner allegedly worked for six months.

3. A preliminary objection has been raised by the counsel for the State that the petitioner has approached this Court without availing the remedy of appeal under the Minimum Wages Act, 1948.

4. I find substance in the objection raised by the learned counsel for the State. The writ application has been filed directly before this Court without availing the remedy of statutory appeal for which limitation is of 30 days. There is also no explanation as to why the writ petition has been filed after more than three years.

5. In that view of the matter, the writ application is dismissed on the principle of delay and laches as also on the ground of waiver of the right of statutory appeal.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.04.2017
Transmission Date	NA

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