

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.928 of 2016
IN
Civil Writ Jurisdiction Case No. 8290 of 2014**

- =====
1. Gauri Shankar Prasad Son of Late Nand Kishore Prasad
 2. Prabhat Kumar Son of Sri Gauri Shankar Prasad residents of Mohalla - Bekapur Road at P.S. and District Munger, having the Shop M/s Janta Stores at Mohalla - Bekapur Road at P.S. and District - Munger

.... Appellants

Versus

1. The State of Bihar through the Labour Commissioner Bihar at Patna
2. The Deputy Labour Commissioner - Cum - Prescribed Authority, Munger Division at Begusarai, at and District Begusarai
3. The Presiding officer, Industrial Tribunal at Patna
4. Bajrang Prasad Singh Son of Late Sarjug Prasad Singh Resident of Mohalla - Kasim Bazar at P.S. and District Munger

.... Respondents

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Appearance :

For the Appellant/s : Mr. Bhola Kumar, Advocate
For the Respondent/s : Mr. KINKAR KUMAR, SC-27
Mr. Rakesh Kumar Sharma, Adv.
For Respondent No.4 : Mr. Chandrasen Prasad Singh, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 28-03-2017

Heard learned counsel for the respondents on merit.

We find that the appellants' counsel was absent on the earlier date and today also he is not present. Considering the fact that the matter pertains to payment of salary to the respondent employee, pending consideration since 1999, we proceed to hear the matter after perusing the record and after hearing learned counsel for the respondent.



Seeking exception to an order dated 07.10.2015 passed by learned Writ court in C.W.J.C. No. 8290 of 2014, this appeal has been filed under clause-10 of the Letters Patent.

Respondent no.4 Shri Bajrang Prasad Singh invoked the jurisdiction of the statutorily prescribed authority under section 28(7) of the Bihar Shops and Establishment Act, 1953 claiming salary deducted illegally. On account of the alleged unauthorized action, the dispute was put to adjudication, after it was filed in the year 1999, and after prolonged litigations, it was directed that the salary to the respondent no.4 amounting to Rs. 1, 15,384/- be paid.

Challenging the order passed by the statutory authority namely the Deputy Labour Commissioner-cum-Prescribed authority, the writ petition in question was filed and the learned Writ Court after taking note of the totality of the fact and circumstances, came to the conclusion that the petitioner employer had succeeded in prolonging the litigation from 1999 up to 2002 as is evident from the counter affidavit with regard to the delaying tactics adopted by the employer and finding no error in the order passed by the statutory authority dismissed the writ petition.

On considering the reason that weighed learned writ court for refusing indulgence into the matter, we find that the learned writ court has adverted to consider all questions, in accordance with law.



The finding recorded by the statutory authority is based on appreciation of the oral and documentary evidence that came on record. There is no error in the same, much less perversity warranting interference into the matter.

Accordingly, finding no error in the order passed by learned writ court, the appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Amit/-

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

