

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1171 of 2016

IN

Civil Writ Jurisdiction Case No. 18226 of 2012

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1. Arvind Kumar, Son of Ballam Mahto, Resident of Village Jalgovind, P.S.- Barh, District- Patna.
2. Navin Kumar Saxena, Son of Late Ram Pyare Paswan, Resident of Mohalla- New Purandarpur, P.S.- Jakanpur.
3. Rajesh Kumar, son of Shiv Bachan Rai, Resident of village- Mathiapur, P.S.- Sahpur, District- Patna.
4. Veer Chandra Rai, son of Late Gama Rai, Resident of Village- Akluchak, P.S.- Sahpur, District- Patna.
5. Maoj Paswan, Son of Late Arjun Paswan, Resident of Village- Belthan, P.S.- Bakhtiyarpur, District- Patna.
6. Vijay Kumar, Son of Jawahar Gope, Resident of Village- Gulabbagh, P.S.- Barh, District- Patna.
7. Surendra Paswan, son of Late Gag Deo Paswan, Resident of village- Majhauri, P.S.- Salimpur, District- Patna.
8. Vinod Rai, son of Late Jamun Rai, Resident of Mubarakpur, Krishi Farm, P.S.- Sahpur, District- Patna.
9. Satendra Bind, son of Baleshwar Bind, Resident of Village- Dhanarua, P.S.- Dhanarua, District- Patna.
10. Makeswar Rai, Son of Late Mana Rai, Resident of village- Rakua Paschim Tola, P.S.- Karja, District- Muzaffarpur.
11. Kamlesh Rai, son of Sri Janaki Rai, Resident of Village- Sri Rampur Tola, P.S.- Bihta, District- Patna.
12. Mithilesh Paswan, Son of Late Shaukhi Paswan, Resident of Village- Baikatpur Kohan Tola, P.S. Khusrupur, District- Patna.
13. Bandhu Rai, son of Late Chaitu Rai, Resident of village- Dawatpur, P.S.- Sahpur, District- Patna.
14. Naresh Rai, Son of Late Devki Rai, Resident of Dawatpur, P.S.- Sahpur, District- Patna.
15. Satrudhan Kumar Rai, son of Late Shyambabu Rai, Resident of Village- Dawatpur, P.S.- Sahpur, District- Patna.
16. Pawan Kumar, son of Sri Akal Prasad, Resident of Village- Biranchi, P.S. Dhanarua, District- Patna.
17. Ravi Kumar, son of Sri Nathun Parasd, Resident of Village- Mirjapur Nauhatta P.S. - Fathuha, District- Patna.
18. Dilip Paswan, son of Sri Rajendra Paswan, Resident of village- Gauharpur, P.S.- Didarganj, District- Patna.

.... Petitioners

Versus

1. The State of Bihar through the Principal Secretary, Sri Deepak Kumar Singh, Department of Labour Resources, Govt. of Bihar.
2. The Principal Secretary now designated as Secretary Sri Deepak Kumar Singh, Department of Labour Resources, Govt. of Bihar.
3. The Principal Secretary Now Designated as Secretary Sri Pankaj Kumar, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
4. The Bihar State Food and Civil Supplies Corporation Ltd, Sone Bhawan, Patna, Now shifted at Daroga Rai Path, Khadya Bhawan through Managing



Director Sri Arvind Kumar Singh, R- Block, Road No. 2, Patna- 1.

5. The Managing Director, Sri Arvind Kumar Singh, Bihar State Food and Civil Supplies Corporation Ltd., Sone Bhawan, Patna, Now shifted at Daroga Rai Path, R- Block, Road No.2, Patna -1.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Awadhesh Kr. Mishra,
Mrs. Sandhya Sharma,
Mr. Ajay Kumar, Advocates

For the State : Mr. Dharmendra Kumar, AC to AAG - IX

For the BSFC : Mr. Shailendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-11-2017

The present contempt petition has been filed for initiating a proceeding against the opposite parties for their willful and deliberate disobedience of the order dated 01.10.2012 passed in CWJC No. 18226 of 2012, which was disposed of, *inter alia*, directing the members of the Food and Allied Workers Union (Registration No. 1718), the petitioners therein, to initiate a proceeding for payment of minimum wage as per the notification of the State Government before the competent authority within two weeks and to dispose of the same as expeditiously as possible and in any case within two months from the date of initiation of the proceeding as it is admitted position that the members of the said union had not been paid wages as per the notifications of the State Government dated 17.08.2010, 28.09.2011 and 27.03.2012.

2. Learned counsel for the petitioners submits that even though rates for labour charges with respect to 41 Kgs to 65 Kgs have been revised from Rs. 4.00 to Rs. 4.20 in terms of the letter dated



14.12.2012, such revised rates have not been paid. Moreover, loading and unloading charges have also not been paid to the petitioners.

3. Learned counsel for the opposite party-Bihar State Food & Civil Supplies Corporation Limited, on the other hand, vehemently resists the contempt petition, inter alia, submitting that due compliance was made to the orders of this Court. As required, the rates under the Minimum Wages Act have been revised variously with effect from 01.10.2010, 01.10.2011 and 01.04.2012 (Annexure-2), 01.04.2013 (Annexure-3) and 01.11.2013 (Annexure-4). It is further pointed out that the petitioners have duly acknowledged the payments received by them as evident from their respective acknowledgements of receipt (Annexure-G to the supplementary show cause filed on behalf of the opposite party nos. 3 to 5 on 27.07.2016), which has not been disputed by the petitioners. It is further stated that a coordinate Bench of this Court had dismissed MJC No. 3851 of 2016 which had been filed for implementation of the very same order as in the present case.

4. Having heard the parties, this Court does not find merit in the contempt petition. The rates of daily wages have duly been revised by the opposite parties in terms of the various letters at Annexures 2, 3 and 4 as stated above. Payments to the petitioners have been acknowledged at Annexure-G of the supplementary show cause which is not in dispute. Learned counsel for the petitioners was unable to point out any specific pleading that the revised rate of Rs. 4.20 with



effect from 01.04.2012 had not been received. It has also not been shown that the case of the petitioners stands on different footing from the petitioner of MJC No. 3851 of 2016 whose contempt petition has already been dismissed by order dated 20.09.2017. More significantly, learned counsel for the petitioners was unable to demonstrate from the pleadings that the present petitioners are the members of the All India Food and Allied Workers Union (Registration No. 1718) which was the petitioner of CWJC No. 18226 of 2012 as it is for the implementation of the order passed in the said writ petition, that the present contempt petition has been filed.

5. The contempt petition accordingly stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.11.2017
Transmission Date	N.A.

