

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.810 of 2017

In

Civil Writ Jurisdiction Case No.4392 of 2016

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1. Kalawati Devi, wife of Kanchan Sah,
 2. Kanchan Sah, son of Late Chokat Sah, residents of Village-Basopatti, P.O.- Puraina, P.S.- Shanichari, District- West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Department, Bihar, Patna.
2. The Principal Secretary, Labour Department, Bihar, Patna.
3. The Assistant Labour Commissioner-cum-Appellate Authority, Tirhut Division, Muzaffarpur.
4. The Labour Superintendent and (Agriculture Labour)-cum-Authority, Bettiah, West Champaran.
5. The Labour Enforcement Officer, Bettiah, West Champaran.
6. Madhu Pandey,
7. Braj Bhushan Pandey @ Nanki, Respondent no. 6 and 7 sons of Late Indrasan Pandey, Residents of village - Dularpatti, P.O. - Parsa Kothi, P.S. - Sanichari, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Chandra Verma, Advocate
For the Respondent/s : Mr. S.K. Singh, A.C. to AAG10

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT



(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 09-04-2018

Challenge in this intra court appeal is to the judgment dated 07.04.2017 passed by the learned Writ Court in C.W.J.C. No. 4392 of 2016. By the impugned judgment, the learned Writ Court has refused to interfere with the order dated 23.11.2015 passed by the Assistant Labour Commissioner, Tirhut Division, Muzaffarpur (Respondent No. 3) in Appeal No. 3 of 2015, as contained in Annexure-3 to the Writ Application.

From the narration of facts, as appearing from the records, it would appear that the writ-petitioners filed a complaint under Section 20(2) of the Minimum Wages Act against the Private Respondent Nos. 6 and 7. They alleged that Respondent Nos. 6 and 7 having engaged them to work in their field at the rate of Rs. 150/- per day did not pay the agreed amount, the case of the petitioners was that Respondent Nos. 6 and 7 had paid only Rs. 50/- per day and retained Rs. 100/- which belonged to the petitioners on account of their remuneration.

The Deputy Labour Commissioner called upon the parties to participate in course of hearing of the complaint case. The Respondent No. 6 Madhu Pandey claimed that he had only



two *Bighas* of land which he has given on *Bataidari*. He denied to have taken work from the petitioners. His case was that the petitioners have lodged this false case because there had been some dispute with the petitioners as their cattles were grazing and damaging the crops in the field belonging to the private respondents. The Labour Superintendent refused to accept the defence of the private respondents and held it in favour of the writ petitioners awarding them a sum of Rs. 72,000/- on account of the wages of Rs. 18,000/- multiplied by 4 and further awarded a sum of Rs. 72,000/- on account of compensation. In this manner, the private respondents were directed to pay Rs. 1,44,000/- to the petitioners.

Being aggrieved by the order passed by the Labour Superintendent, the private respondents preferred an appeal giving rise to Appeal Case No. 3 of 2015. This time, the Appellate Authority recorded a finding that on 23.08.2013 the private respondents had lodged a case against the petitioners with the *Sarpanch* of the Gram Panchayat, as a result of which and as a counter blast the petitioners lodged the present complaint on 26.08.2013. The Appellate Authority held that both the petitioners had failed to prove that they had worked in the field and they had not been able to prove the work period



during which they had worked. For these reasons, the Appellate Authority set aside the order of the Labour Superintendent awarding wages and compensation to the writ-petitioners.

The learned Writ Court considered the rival submissions and finding the stand taken in the counter affidavit filed on behalf of Respondent Nos. 1 to 5 refused to interfere with the appellate order and dismissed the Writ Application.

While assailing the impugned judgment of the learned Writ Court, learned counsel for the appellants submits that the order passed by the Labour Superintendent under Section 20(2) of the Minimum Wages Act is a well reasoned order and the same is based on the evidences which have been discussed by the Labour Superintendent but without considering those evidences, which are available on record, the Appellate Authority has set aside the order passed by the Labour Superintendent, which the learned Writ Court could not appreciate.

On the other hand, learned counsel representing the respondents submits that there is no illegality or infirmity in the impugned judgment passed by the learned Writ Court. Attention of this Court has been drawn towards the nature of adjudication made by the Labour Superintendent. It is submitted that the



Labour Superintendent could not consider that the dispute between the writ-petitioners and the private respondents since long was an admitted fact and in fact in the year 2007 also there was some personal disputes which had gone to the court of the Sub Divisional Officer. Learned counsel submits that there was no reason for the Labour Superintendent to discard the attending circumstances from which it was apparent that the writ-petitioners had lodged this false case because of the prior enmity and complaint made against them by the private respondents. It is submitted that in the facts of this case where the private respondents and the writ-petitioners were not on good terms, the Labour Superintendent erred in appreciating that the petitioners who were not on good terms were not supposed to have worked in the field of the private respondents at this stage and there was no evidence, as has been held by the Appellate Authority, with regard to the period of work.

Having heard learned counsel for the parties and upon perusal of the records, considering that the issue involved is a disputed question of facts and the Appellate Authority under the Minimum Wages Act, being a fact finding body, has held that the petitioners have failed to prove the period of work as also that three days prior to lodging of the complaint by the



writ-petitioners a complaint was filed by the private respondents against the writ-petitioners with the *Sarpanch*, we find no reason to interfere with the judgment of the learned Writ Court by recording a different finding of fact. In our considered opinion, the learned Writ Court had rightly not gone into the issues of facts and evidences which have already been settled by the statutory Appellate Authority. The Letters Patent Appeal has no merit. The same is accordingly dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

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