

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1649 of 2016

In
Civil Writ Jurisdiction Case No.2500 of 2011

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Madan Mohan Singh son of Late Ram Prasad Singh, resident of Azad Chowk,
Gangjala, Ward No. 18/9, Saharsa, P.S. and District- Saharsa.

... .. Appellant/s

Versus

1. The State Of Bihar through the Labour Commissioner, Bihar, Patna.
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Collector, Saharsa.
4. The Assistant Labour Commissioner, Saharsa, P.S. District- Saharsa.
5. The Sub-Divisional Officer-cum-Certificate Officer, Saharsa, P.S. and District- Saharsa.
6. Harishankar Sah, son of Late Tulsi Sah, resident of Simraha, P.S.- Saharsa, District- Saharsa.
7. Natho Das S/o name not known to the appellant
8. Kari Das S/o name not known to the appellant
9. Gajendra Das S/o name not known to the appellant
10. Birendra Sah S/o name not known to the appellant.
R.N. 6 to 10 are residing and working at Shankar Mithan Bhandar,
Mohalla- Gangjala, P.S. District- Saharsa.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Pramod Mishra, Advocate
For the State	:	Md. Nashrul Hoda Khan- SC1
For Private Respondents :		Mr. Mahendra Baitha, Advocate
		Mr. Nagendra Upadhaya, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 24-09-2019

Heard learned counsel for the appellant and learned
counsel for the respondents.



In this case, the challenge has been made to the order dated 07.12.2010 passed by the Divisional Commissioner, Saharsa in Certificate Revision Case No.9/2006, which has confirmed the order dated 07.04.2006 passed by the District Collector, Saharsa in Certificate Case Appeal No.11/05-06 and also the order dated 16.08.2005 passed by Sub-Divisional Officer, Saharsa in Case No.1/03-04.

Counsel for the appellant submits that without giving any notice, the authorities have decided ex-parte and when the matter sent for execution before the Certificate Officer, then only the name was corrected and notice was issued, whereupon the appellant has appeared and participated in the proceeding.

The original application was filed by the private respondents under the Minimum Wages Act vide M.W. Case No.152/2001 claiming the entitlement of wages of Rs.4000/-. Ultimately, the ex-parte order dated 31.01.2003 was passed for payment of Rs.16,000/-, out of which, Rs.12,000/- is the amount of compensation. The appellant has not challenged the order dated 31.01.2003 or subsequent orders in any forum. Instead of challenging the main order, he is challenging only the order passed in execution case, in such circumstances, the present challenge has



no meaning at all, even the order is set aside, but the main order giving direction for payment would still subsist.

In this view of the matter, this Court does not find any merit in the present appeal, accordingly, the same is dismissed.

However, if the appellant so like, he may take steps in accordance with law.

(Shivaji Pandey, J)

(Partha Sarthy, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
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