

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.663 of 2016

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1. Union of India through Senior Divisional Commercial Manager, East Central Railway, Mughalsarai.
 2. Senior Divisional Commercial Manager, East Central Railway, Mughalsarai.

... .. Petitioner/s

Versus

Assistant Labour Commissioner (Central), Patna office of the Regional Labour Commissioner (C), Maurya Lok Complex, 'A' Block, IInd Floor, Room No. 6/16/17, Patna 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Siddhartha Prasad, Adv.
For the Respondent/s	:	Mr. S.D Sanjay, Addl. Soc. Gen.
		Mr. Ravindra Kumar Sharma, CGC

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 22-01-2019

Heard learned counsel for the petitioners and the learned counsel for the respondent.

2. An application under the Payment of Wages Act for payment of dues amount, was filed before the Regional Labour Commissioner (Central), Patna and the case was registered accordingly. The authority has found that eight workers were engaged in parcel handling work and Dehri-On-Sone Railway Establishment has not been paid wages for the period from 11.10.2011 to 30.11.2012 which comes to Rs.5,21,664/- which is under challenge before this Court.

3. The learned counsel for the petitioners submits that the claim for varied period from 2010-30.11.2012, an application



has been filed vide PW Claim (1)/14 but the entire claims are beyond limitation period as claim would be entertained only for twelve months. Admittedly after lapse of twelve months, the claim petition has been filed before the Regional Labour Commissioner (Central) Patna, who without condoning the delay, entertained the application and directed for payment of Rs.5,21,664/- and compensation of Rs. 15/- for each worker which comes to Rs.120/-, after addition, it comes to Rs.5,21,784/-The challenge has been made to limited extent that the authority could have exercised the power, subject to condonation of delay in filing the application.

4. The learned counsel for the petitioner submitted original record for perusal.

5. On perusal of the record it appears that though the petition for condonation of delay has been filed by the Inspector under the Payment of Wages Act, but no specific order condoning the delay has been passed. The authority can exercise the power of adjudication only after condonation of delay. Admittedly in the present case the delay has not been condoned, on this ground alone the order dated 23.11.2015 is set aside and the matter is remanded back to the Regional Labour Commissioner (Central) Patna to consider the limitation petition and after hearing both sides, on due



consideration will pass the afresh order on merit as well as on
condonation of delay.

6. This Court is not giving any opinion on the merit of
the case. Accordingly, this application is allowed to the aforesaid
extent.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.02.2019
Transmission Date	N/A

