

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11540 of 2018

Narayan Purbey, Son of Late Raj Kumar Purbey, Secretary, All India Trade Union Congress (AITUC), Bihar State Committee, Kedar Bhawan, Amarnath Road, Patna- 800001.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Labour Resources, Government of Bihar, Patna.
2. The Labour Commissioner, Department of Labour Resource, Government of Bihar, Patna.
3. The Deputy Labour Commissioner, Patna Commissionary cum Conciliation Authority under industrial Disputes Act, 1947, Patna.
4. The Chief Factory Inspector, Bihar.
5. The Factory Inspector, Circle No.1, Patna.
6. The Regional Commissioner, Employees Provident Fund Department, R Block, Patna-1.
7. The Regional Director, Employee State Insurance Corporation, Panchdeep Bhawan, Bailey Road, Patna.
8. The Managing Director, PAM Tech, Plot No.31, Mega Industrial Park, Bihta, Patna.
9. The Manager, PAM Tech, Plot No.31, Mega Industrial Park, Bihta, Patna.

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Sagar Suman, Advocate
For the Respondent/s : Ms. Smriti Singh, A.C. to A.A.G.-10.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE SHIVAJI PANDEY)

Date : 18-09-2019

Heard learned counsel for the petitioner and
learned counsel for the State.



In this case, the petitioner is raising a grievance that M/S. PAM Tech. has established a factory for manufacturing of bicycles.

The petitioner is the Secretary of All India Trade Union Congress, has made allegation that in stead of employing the persons directly, the factory has adopted the scheme of outsourcing and ultimately, the workers working in the factory have been terminated from the service. Further allegation has been made that the workers were not being paid the amount as per the rate fixed under the Minimum Wages Act.

A counter affidavit has been filed from the side of respondent nos. 1 to 5, wherein the details have been given in what manner the process of conciliation has been started, ultimately, the matter has been settled between both the parties.

Learned counsel for the petitioner submits that the workers who have been terminated from service have not been brought back to the establishment of respondent no.7.

The workers individually or through the Union can approach the proper authority for referring the dispute to the properly constituted Labour Court or the Tribunal or they themselves can directly approach the Labour Court raising individual grievance with regard to their illegal termination.



So far the non-payment of amount as per the Minimum Wages Act is concerned, the petitioner himself or the workers individually can make a complaint before the authority under the Minimum Wages Act. If such a complaint is filed, the authority concerned will look into the matter and take decision in accordance with law.

With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

(Partha Sarthy, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	21.09.2019
Transmission Date	

