

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18060 of 2019

1. Naresh Prasad Son of Sri Shivram Prasad, Resident of Village- Jhamadih, P.S.- Noorsarai, District- Nalanda.
2. Akhilesh Kumar, Son of Shiv Narayan Singh, Resident of Village- Bara Bigha, P.S.- Noorsarai, District- Nalanda.
3. Ramyad Chauhan, Son of Late Sukhu Prasad, Resident of Village- Chhatrapur, P.S.- Noorsarai, District- Nalanda.
4. Ishwar Prasad, Son of Late Rambrikhh Ram, Resident of Village- Khelaman Bigha, P.S.- Noorsarai, District- Nalanda.
5. Arundhati Devi, Wife of Vikramaditya Kumar, Resident of Village- Premanbigha, P.S.- Nagarnausa, District- Nalanda.
6. Shivendra Prasad, Son of Baso Mahto, Resident of Village- Belsar, P.S.- Noorsarai, District- Nalanda.
7. Bharat Raut, Son of Sri Lakhpati Raut, Resident of Village- Sirsiya Bigha, P.S.- Noorasarai, District- Nalanda.
8. Durga Paswan, Son of Late Jagan Paswan, Resident of Village- Brijpur, P.S.- Noorsarai, District- Nalanda.
9. Kaushalya Devi, Wife of Srikant Prasad, Resident of Village- Chandasi, P.S.- Noorsarai, District- Nalanda.
10. Nagina Paswan, Son of Late Butai Paswan, Resident of Village- Tharthari Bazar, P.S.- Tharthari, District- Nalanda.
11. Birendra Das Son of Etwari Das, Resident of Village- Jaitipur, P.S.- Chandi, District- Nalanda.
12. Brahmdev Mochi, Son of Late Nathuni Mochi, Resident of Village- Bari Chhariyarai, P.S.- Tharthari, District- Nalanda.
13. Anandi Paswan, Son of Late Shanichar Paswan, Resident of Village- Dahpar, P.S.- Noorsarai, District- Nalanda.
14. Manjula Singh, Wife of Upendra Singh, Resident of Village- Gajraj Bigha, P.S.- Noorsarai, District- Nalanda.
15. Vijay Kumar, Son of Khelawan Halwai, Resident of Village- Noorsarai, P.S.- Noorsarai, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Labour Commissioner, Labour Resources Department, Government of Bihar, Patna.
3. The Labour Superintendent, Nalanda, Biharsharif.
4. The Labour Enforcement Officer, Nalanda, Biharsharif.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate
For the Respondent/s : Mr. Sushil Kr. Singh, AC to AAG-10

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-09-2019 Heard learned counsel for the parties.

2. Petitioners have put to challenge letter No. 5/MW-2031/08 L.S. 2035 dated 25.06.2009 issued by the Labour Commissioner, Government of Bihar in the present writ application filed on 31.08.2019 whereby the claim of the petitioners to pay remuneration/wages has been turned down.

3. Petitioners' claim is that they were engaged in Labour Awareness Programme initiated by the Labour Resource Department, Government of Bihar and had discharged their duty in that capacity. Petitioners are claiming that they are entitled for their emoluments at-least at the rate of minimum wages, statutorily prescribed.

4. I am not inclined to accede to the prayer made in the writ application for two reasons. Firstly, this writ application has been filed after more than 10 years after issuance of the impugned letter dated 19.08.2009 and there is no justification at all for approaching this Court belatedly.

5. My attention has been drawn to the statement made in paragraph 32 of the writ application so as to make out a case



that one of the petitioners, namely, Durga Paswan had earlier approached this Court by filing Public Interest Litigation as CWJC No. 2990 of 2011 which was dismissed as withdrawn with liberty to approach the appropriate forum. It is stated that the petitioners had filed a writ application thereafter giving rise to CWJC No. 17242 of 2015 which was dismissed for default on 06.04.2016 for non-compliance of a peremptory order. An application for restoration being MJC No. 4679 of 2018 was also dismissed by order of this Court dated 20.02.2019.

6. The aforesaid statement made in paragraph 32 of the writ application does not improve the case of the petitioners nor does it give any acceptable justification for the delay. The laches on the part of the petitioners is clear, considering the statement made in paragraph 32 of the writ application.

7. Secondly, in the impugned letter, the Labour Commissioner has specifically mentioned that the petitioners had voluntarily agreed to work in Labour Awareness Programme of the Department so as to make aware the labourers of their rights to claim and earn minimum wages and other statutory rights under various provisions of law.

8. Learned counsel appearing on behalf of the petitioners has attempted to convince this Court that the



petitioners were engaged with the assurance that they will be allowed remuneration on the basis of minimum wages.

9. The documents, however, disclose facts which are otherwise. There is no material to suggest that petitioners were engaged on payment of wages. The reason recorded in letter dated 19.08.2009 denying the petitioners' claim, in my opinion, appears to be cogent. No interference is required by this Court in the proceeding under Article 226 of the Constitution of India.

10. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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