

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13559 of 2019

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Rajeev Kaushik Son of Late Hansh Raj Sharma M/S Vishakha Facility Management Servie Pvt. Limited, 30/42 Street No. 8, Vishwas Nagar, Saharda Delhi-110012

... .. Petitioner/s

Versus

1. The Union of India through the Dy. Chief Labour Commissioner (Central) A Block, 2nd Floor, Mourya Lok Complex, Patna
2. The Regional Labour Commissioner (Central) Patna, Mourya Lok, Patna
3. Shri Harendra Kumar S/o Shri Vishundayal Sah R/o Maya Chak, P.O.-Lohia Nagar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava, Advocate
For the Respondent/s	:	Mr. S.D. Sanjay, AD SG

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 14-10-2022

The matter is taken up through virtual mode.

2. In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) To issue an appropriate writ / writs,
order / order, direction/directions in the nature of
certiorari for quashing the order dated 14.12.2016
passed by the Respondent No. 3 i.e. the Regional
Labour Commissioner (Central), Patna, Authority
under Sub Section (5) of Section 20 of the Minimum
Wages Act, 1948 passed in Case No. M.W. Claim
(15)/15 whereby and where under direction have been
given for payment of Rs. 81,76,133/- (Rupees Eighty
one Lacs, Seventy Six thousand one hundred thirty



three) only to the workers of the petitioner. As the aforesaid order has been on wrong grounds and without complying the principle of natural justice.

(ii) Further for staying the Execution proceeding of Case No. M.W. claim (15) 15 till disposal of the writ application.

(iii) For any other relief/reliefs for which the petitioner is found entitled in the facts and circumstances of the case.”

3. Petitioner, without exhausting remedy of appeal before the State Government presented this petition. Such appeal is provided under **State Amendments – [Bihar]** sub – section (6) of Section 20 which reads as under:

“(6) Any employer or worker aggrieved by any direction made under sub-section (3) by an authority appointed under sub-section (1), on an application made under sub-section (2), may, within 30 days from the date of the direction, prefer an appeal in such manner and to such Authority as the State Government may, by notification, specify in this behalf, and that Authority may, after hearing the appeal, confirm, modify or reverse the direction appealed against and no further appeal shall lie against the order made by such Authority in any Court of law.”

4. In the light of the aforesaid provision read with the Apex Court’s decision in the case of *State of Jammu and*



Kashmir V/s. R.K.Zalpuri and others reported in **AIR 2016 SC 3006, Paragraph-20**, the present petition is not maintainable on the ground of the fact that the petitioner has a statutory remedy of appeal before the State Government.

5. Re-list this matter on 20.10.2022.

7. At this stage, learned counsel for the petitioner *Mr. Ranjan Kumar Srivastava* submitted that matter may be disposed off. Accordingly, the present petition stands disposed off as the petitioner has a statutory remedy in terms of cited provisions *supra*. If the petitioner files appeal before the appellate authority/Government, the Government shall decide the petitioner's grievance within a period of six months from the date of receipt of such memorandum of appeal against the impugned order. Delay in filing appeal be considered in the light of section 14 of Limitation Act, 1963.

8. With the above observation, the present petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	18.10.2022
Transmission Date	

