

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13109 of 2022

Radhe Shyam Raut @ Radhey Shyam Patel Son of Jaykishan Raut, Resident of Village-Ratanmala Mathiya, P.O. Ratanmala, P.S.-Majhauriya, District-West Champaran at Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Assistant Labour Commissioner-Cum-Authority, Bettiah, West Champaran.
3. Murlidhar Verma Son of Resident of Village-Bhagdowa, P.O.-Ratanmala, P.S.-Majhauriya, District-West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mrs. Namrata Mishra, Advocate
For the Respondent/s : Mr. Anil Kr. Singh (GP 26)

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

3 07-12-2022 Heard learned counsels for the respective parties.

In the instant petition, petitioner has prayed for the following relief(s):-

"(i) For issuance of appropriate writ or writs/order or orders/direction or directions in the nature of "Writ of Certiorari" for quashing/setting aside the order dated 13.05.2022 passed by the Deputy Labor Commissioner-cum-Appellate Authority, Tirhut Division, Muzaffarpur in Appeal Case No. 03/2020 [Murlidhar Verma vs. Shri Radhe Shyam Patel & Anr] whereby and whereunder the appeal has been allowed setting aside the order dated 09.07.2020 passed by the Assistant Labour Commissioner-cum-Authority, Bettiah, West Champaran in Minimum Wage Case No. MWL 52/2018 [Shri Radheshyam Patel vs. Shri Murlidhar Verma] rejecting the



claim of present petitioner without considering the fact and circumstances of the case.

(ii) For any other relief or reliefs if the petitioner is found entitled for;"

The matter is relating to dispute as to whether the petitioner is a contractor or employee so as to ascertain whether petitioner is entitled to wages if he is worker.

Perusal of the records it is evident that sufficient material has not been placed on record so as to establish that the petitioner is worker.

Having regard to disputed facts the petitioner has proper remedy before appropriate forum. Accordingly, the present petition stands disposed off reserving liberty to the petitioner to approach the appropriate forum.

(P. B. Bajanthri, J)

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