

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1539 of 2019

In
Civil Writ Jurisdiction Case No.18060 of 2019

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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 Lakhpatri Raut Resident of Village- Sirsiya Bigha, P.S.- Noorsarai, 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 Chhariyari, 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 Kehlawan Halwai Resident of Village- Noorsarai, P.S.- Noorsarai, District- Nalanda.

... .. Appellant/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 Appellant/s : Mr.Akshansh Ankit
For the Respondent/s : Ms. Nutan Sahay

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 19-12-2022 Heard Mr. Akshansh Ankit, the learned counsel

for the appellants and Ms. Nutan Sahay, the learned

counsel for the State.

The appellants had offered their pro-bono
services for seven years but were not paid for the same.
Their request was but turned down by the learned Single
Judge vide order dated 06.09.2019 passed in C.W.J.C.
No. 18060 of 2019.

The perusal of the order, referred to above,
indicates that the appellants were engaged in Labour
Awareness Programme which was initiated by Labour
Resource Department, Government of Bihar.

For the aforesaid work and other associated
works for which the appellants had not consented, no



remuneration was given to them.

The writ petition was dismissed on two grounds, one being the laches as the appellants had approached the Court after 10 years and the other that the claim of the appellants was earlier adjudicated and rejected by a bench of this Court.

It appears that initially a Public Interest Litigation was filed seeking a general direction to the Government in the Labour Department to make payment of remuneration to the persons who were made to work in various projects but the same was dismissed with the liberty to the individual petitioners to agitate their cause in an appropriate forum.

The appellants, thereafter, preferred another writ petition *vide* C.W.J.C. No. 17242 of 2015 which stood dismissed for non-compliance of a peremptory order of the Court. The restoration application was also dismissed in the year 2019.

The learned counsel for the appellants has, however, submitted that the appellants are the low men on



the totem pole who were made to work for good seven years without any remuneration. Every day of work without remuneration kept the cause of action alive and it matters not, if ten years have passed by, when the appellants have not been paid. Their claim was never adjudicated and rejected as the writ petition preferred by them was dismissed for non-compliance of the peremptory order of this Court.

Be that as it may, considering that there is nothing on record for us to conclude that the appellants had actually worked and for what duration, there would be no justification for interfering with the order of the learned Single Judge which primarily has been passed on the ground of laches.

We have perused the writ petition and we find that except for bald statements seeking to claim remuneration for the work that they have done in the Awareness Programme of the Labour Department as also other programmes, there is no other corresponding document to support their contention.



Having tested the claim of the appellants at all fronts, we do not find any justification for interfering with the order of the learned Single Judge.

The appeal is dismissed.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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