

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.13230 of 2005

Dr. Gouri Shankar Acharya

....

Petitioner

Mr. G.K.Acharya, Advocate

-versus-

State of Odisha and others

....

Opp. Parties

Mr. A.P. Das, ASC

CORAM:

THE CHIEF JUSTICE

JUSTICE R.K.PATTANAIK

ORDER

09.02.2022

Order No.

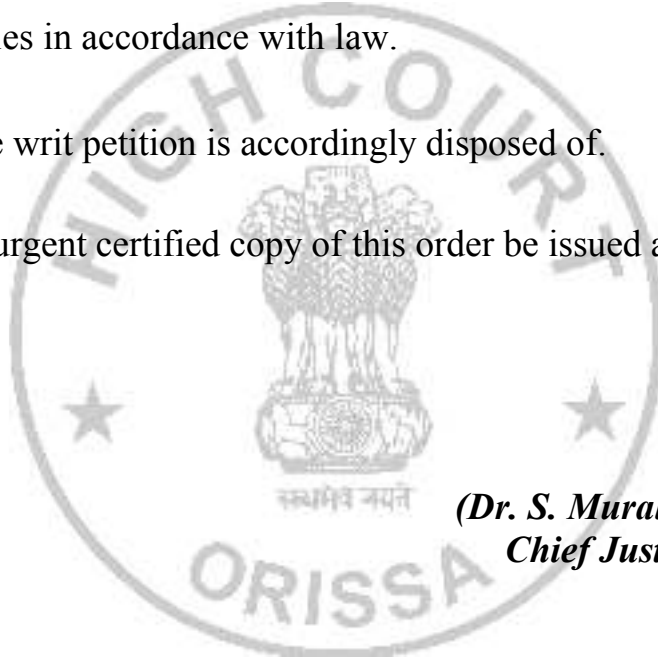
9. 1. The Petitioner who is a Medical Practitioner has filed this petition questioning the notice dated 5th September 2005 issued by the District Labour Officer, Cuttack and the order dated 4th October, 2005 passed by the Assistant Labour Officer, Cuttack directing the Petitioner to register his Medical Laboratory under the Orissa Shops & Commercial Establishment Act, 1956. The Petitioner also seeks quashing of notice dated 20th October, 2005 asking the Petitioner show cause why he should not be prosecuted for violation of the provisions of the Minimum Wages Act, 1948 (MW Act).
2. As regards the Orissa Shops & Commercial Establishment Act, 1956, in view of the judgment of this Court in ***Dr. Nirupama Rath v. State of Orissa OLR 1996(1) 282***, it is evident that the Petitioner's clinical establishment would not be covered thereunder. Therefore, the notice and order dated 5th September, 2005 and 4th October, 2005 respectively directing the Petitioner to register his Medical Laboratory

under the Orissa Shops & Commercial Establishment Act, 1956 are hereby quashed.

3. As regards the notice dated 20th October, 2005, asking the Petitioner to show cause why prosecution should not be launched under the MW Act, the Court directs that a decision be taken on the show cause notice and be communicated to the Petitioner not later than 4th April, 2022. Till then, the interim order passed by this Court shall continue. If aggrieved by the said order, it will be open to the Petitioner to seek appropriate remedies in accordance with law.

4. The writ petition is accordingly disposed of.

5. An urgent certified copy of this order be issued as per rules.



(Dr. S. Muralidhar)
Chief Justice

(R.K. Pattanaik)
Judge