

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9591 of 2019

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Sunil Kumar Suman Son of Yogendra Sharma, Resident of Village- Rampur,
P.S. Saurbazar, District- Saharsa ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
2. The Deputy labour Commissioner-Cum-Appellate Authority, Minimum Wages, Act, 1948 Darbhanga Division, Darbhanga.
3. The Assistant Labour Commissioner , Koshi Division, Saharsa.
4. Ram Ballabh Sah, Son of Bhola Sah, Resident of Village- Rampur, P.S. Saurbazar, District- Saharsa. ... Respondents

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Appearance :

For the Petitioner : Mr.Vinay Mistry, Adv.
For the Respondents : Mr.Anuradha Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

7 17-08-2023 Heard the parties.

2. Learned counsel for the petitioner states that the appeal filed by the petitioner was dismissed solely on the ground that the petitioner did not appear on the last five occasions out of the twenty adjournments which were granted. Learned counsel has stated that appellate authority instead of passing the order on merits has passed the impugned order which is bereft of any reason and without going into the merits of the case. Learned counsel has stated that the petitioner is willing to argue the matter on merits if the appellate order is set aside and the matter is remanded back to the authority concerned.

3. Learned counsel appearing on behalf of the



respondents has stated that in spite of giving several opportunities to the petitioner, the petitioner has not submitted any argument, therefore, left with no other alternative, the primary as well as the appellate authorities had to necessarily dismiss the case of the petitioner.

4. Without going into the merits and demerits of the case, having regard to the facts that the impugned order passed by the appellate authority is dismissed only on the sole ground that the petitioner has not appeared on the last five occasions out of twenty adjournments that were granted.

5. This Court is of the considered view that the ends of justice would be met that if the impugned order is set aside and the matter is remanded back to the authority concerned to pass the order afresh duly taking into consideration the submissions made by the petitioner strictly on merits.

6. Therefore, the impugned order is set aside. The matter is remanded back to the authority concerned. The petitioner shall be present before the authority concerned on 11th September, 2023, without fail and submit his arguments either orally or in writing before the authority concerned. On submission of the argument the authority concerned shall pass order on merits. It is made clear that no separate notice will be



issued by the appellate authority to the petitioner with regard to the date of hearing, the petitioner shall positively be present on 11th September, 2023, to submit his argument. In case the petitioner does not appear on the date fixed by this Court, the authority is free to pass necessary order.

7. With the above directions, this writ petition stands **disposed off**.

(A. Abhishek Reddy , J)

Shamshad/-

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