

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12960 of 2018

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Basisth Pandey @ Bashisht Pandey, Son of Late Yugal Pandey @ Late Yugal Pandey, resident of Village- Tribhauni, Police Station- Bharioganj, District- West Champaran (Bettiah).

... .. Petitioner/s

Versus

1. The State Of Bihar through the Labour Commissioner-cum-Appellate Authority, Under Minimum Wages Act, 1948, Bihar, Patna.
2. The Labour Commissioner-cum-Appellate Authority, Under Minimum Wages Act, 1948 Bihar, Patna.
3. The Assistant Labour Commissioner-cum-Authority, Under Minimum Wages Act, 1948, Tirhut Pramandal, Muzaffarpur, Headquarter-Bettiah.
4. Baijnath Mushar, son of Ramna Mushar, Resident of Village-Tribhauni, Police Station- Bharioganj, District- West Champaran (Bettiah).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Lokesh Kumar Singh, Adv.
For the State	:	Mr. Ravi Ranjan, AC to SC 22
For the Respondent No. 4	:	Mr. Ram Kishan Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 23-03-2023

The petitioner assails the order passed by the authority under the Payment of Minimum Wages Act, 1948.

It is noticed that the petitioner has failed to appear before the concerned authority, whereafter the authority passed an order



on 29.04.2010, whereafter, it appears that the ex parte order was set aside and the proceedings were again undertaken on 01.03.2012. The petitioner, who was respondent therein, did not appear again and several opportunities were given for almost five years up to 2017 but, the petitioner or his representative did not appear. Resultantly, the Court proceeded to accept the version as given out by the respondent and an amount of Rs. 68,000/- was directed to be released in favour of Respondent No. 4. The award was passed on 15.12.2017. The petitioner has stated that the claim itself was belated.

However, finding that no objections were ever raised at any given point of time by the petitioner and he did not even choose to appear before the concerned authority, this Court does not find any reason to interfere with the award passed by the authority under the Payment of Minimum Wages Act, 1948. The petitioner shall now pay the amount within a period of three months along with the interest at the rate of 9% per annum. If the amount is not paid within three months, the petitioner shall be liable for contempt proceedings apart from recovery proceedings.

Accordingly, the writ petition is misconceived and is



dismissed.

The interim order stands vacated.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 45

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

