

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9302 of 2015

-
1. M/s Lupin Limited and Anr Son of Ram Prakash Saluja.
 2. Mr. Sumit Saluja Son of Ram Rrakash Saluja, Deputy General Manager - Human Resources, M/S Lupin Limited, 159 CST Road

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Assistant Labour Commissioner, Saharsa An Authority under the Minimum Wages Act , 1948 Labour
3. Mr. Ramashish Kumar , Keshri Medical Agency , Bari Durga Mandir Road, Saharsa , Bihar- 852 201
4. The Labour Superintendent , Saharsa, Labour Resources Department, Saharsa , Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Adv Mr. Manish Kumar, Adv. Mr. Indrajeet Bhsuahan, Adv
For the Respondent/s	:	Mr. Nasim Yahya- Gp13 Mr. Ume4sh Kumar Roy, AC to GP 11

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

5 18-01-2024 Heard the argument at length.

2. Learned counsel appearing on behalf of the petitioners has stated that the authority, i.e., the Assistant Labour Commissioner, Saharsa (Respondent No. 2) under the Minimum Wages Act, has passed the impugned order on 11.06.2015. Learned counsel has stated that the said authority came to the conclusion that the claim made by the Respondent No. 3 herein was not maintainable as he has received the amounts due to him and rejected the claim. However, the authority passed an order



pointing out that the Respondent No. 3 herein had been dismissed from the employment by the petitioner herein during the pendency of the proceedings before the said authority. That as per the provisions of Minimum Wages Act, more specifically, Section 20(4)(A) an employer cannot dismiss a person pending the proceeding before the said authority. Learned counsel has stated that even though a direction has been given by the said authority to the Labour Superintendent to take necessary actions for violation of the provisions of the Minimum Wages Act, the authorities had not taken any action as the main claim of the Respondent No. 3 was found to be false and the claim was rejected. Learned counsel has further stated that thereafter the Respondent No. 3 herein has filed a private complaint taking advantage of the observations made in the impugned order. Learned counsel has stated that based on the private complaint, filed by the Respondent No. 3, the Magistrate had referred the matter to the police for investigation under Section 156(3) of the Code of Criminal Procedure and the FIR was registered against the petitioners. Thereafter the petitioners have preferred a criminal petition seeking quashing of the above proceedings and this Court vide order dated 30.11.2016 in Criminal Writ Jurisdiction No. 495 of 2016 has quashed the entire proceeding



holding as under:-

“ 33. It has been noticed that filing of a claim by respondent no. 2 for minimum wages of total amount of Rs. 55,550/-, M. W. Case No. 10 of 2013, is the foundation for lodging of the complaint petition. The said amount was admittedly paid to the respondent no. 2 on 23.02.2013. It is not clear as to whether the Assistant Labour Commissioner, Saharsa, while issuing notice to the petitioners in the said M. W. Case No. 10 of 2013, was made aware of the fact or it was there in his mind that the amount, in question, was already paid to the claimant on 23.02.2013 itself. After the amount already having been paid, the said M. W. Case No. 10 of 2013 had become infructuous for all practical purposes. The Assistant Labour Commissioner, Saharsa, while disposing of the said M. W. Case No. 10 of 2013, in his final order, recorded that since respondent no. 2 had received the said amount of Rs. 55,550/-, he was not entitled for any other compensation by way of relief. In that background, what made respondent no. 2 to file a complaint petition before the Court of the learned Chief Judicial Magistrate, Saharsa, is not apparent. It is evidently because he had personal grudge against the petitioners, who, according to respondent no. 2, were instrumental in his dismissal from service.



41. Before I part with, I must indicate that I had intended to impose exemplary cost on respondent no. 2, as in my view, lodging of the complaint case by him, in the facts and circumstances of the case, is complete abuse of the process of the Court and the law. However, I have refrained from doing so considering the fact that the respondent no. 2 is a dismissed employee.”

The said order of this Hon’ble High Court has become final as the Respondent No. 3 herein has not challenged the same.

3. Learned counsel has further stated that though practically for all purposes, the order passed by the authority under the Minimum Wages Act has worked itself out, however learned counsel apprehends that the official respondents may initiate action against the petitioners based on the observations made by the authority under the Minimum Wages Act dated 11.06.2015 and therefore seeks some clarification from this Court before seeking permission for withdrawing the present writ petition.

4. Admittedly in the present case the claim of the Respondent No. 3 was rejected by the authority on the ground that the amount claimed were already paid. Once the main claim made by the Respondent No. 3 were found to be false and



rejected, the further direction of the authority was unwarranted. The order of this Hon'ble High Court in CWJC No. 495 of 2016 dated 30.11.2016 makes it abundantly clear that the claim of Respondent No. 3 herein was false and frivolous one and comes to the rescue of the petitioner herein. It is more than 9 years since the orders have been passed by the authority under the Minimum Wages Act and this Court is of the opinion that the authorities at this point of time cannot initiate any action against the petitioners moreso in view of the order passed by this Court in CWJC No. 495 of 2016 dated 30.11.2016. As requested by the learned counsel for the petitioners, permission is granted to withdraw the present CWJC with a liberty to approach this Court again in case any action is sought to be taken against the petitioners based on the observations made in the order dated 11.06.2015 impugned in the present CWJC.

5. Accordingly, the present CWJC is dismissed as withdrawn with the aforesaid liberty.

(A. Abhishek Reddy , J)

Bhardwaj/-

U			
---	--	--	--

