
(1995) 09 PAT CK 0023
In the Patna High Court
Case No : C.W.J.C. No. 1234 of 1994

Ganga Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 04-09-1995

Acts Referred:

Minimum Wages Act, 1948 — Section 20

Citation : (1995) 2 PLJR 753

Hon'ble Judges : Aftab Alam, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Aftab Alam, J.—This case arising from a proceeding under the Minimum Wages Act presents a sorry spectacle and the manner in which the Authorities under the Act are functioning appears in poor light.

2. The Petitioner, claiming to be the Tractor Driver of Respondent No. 4 made an application u/s 20 of the Minimum Wages Act. This application was allowed by order, dated 05.08.88 (copy at Annexure-1). By this order the Petitioner was awarded a sum of Rs. 66,598.40 as due wages, in addition, to ten times compensation amounting to Rs. 06,65,984/-. Thus, the total sum directed to be paid to the Petitioner by that order amounted to Rs. 07,72,582.40. According to Respondent No. 4, this order was passed without issuing any notice to him. Though the Petitioner controverts this statement but there is no material on the record to counter this allegation and to suggest that any notice was issued to the employer, Respondent No. 4, before passing this order. Also, there is no explanation for awarding the maximum compensation amounting to ten times of the due wages. Further, the claim at best in part, also appears to be beyond the period of limitation.

3. These circumstances cast a shadow of doubt on the bonafides of the order.

4. It appears that the employer bid his time and when a new Assistant Labour

Commissioner came, he filed a petition for the review of the order, dated 05.08.88. The successor Assistant Labour Commissioner, by his order, dated 18.07.92, set aside the earlier order passed by his predecessor holding that there was no relationship of employer and employee between Respondent No. 4 and the Petitioner and the claim was, therefore, wholly untenable. The successor, Assistant Labour Commissioner, conveniently disregarded the fact that under the Act he did not have any power of review. The Petitioner's appeal, filed before the Deputy Labour Commissioner, was dismissed by order, dated 13.12.93, on the ground of limitation.

5. I have narrated these facts only to point out that though the order, dated 18.07.92, is quite unauthorised and without jurisdiction, any interference with this order would lead to the revival of the earlier order, dated 05.08.88, which, to my mind, is equally illegal and without jurisdiction.

6. I, therefore, refrain from interfering in this matter and this application is, accordingly, dismissed.