

(2003) 03 PAT CK 0030
In the Patna High Court
Case No : L.P.A. No. 536 of 1996

Gango Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 28-03-2003

Acts Referred:

Minimum Wages Act, 1948 — Section 20

Citation : (2003) 2 PLJR 671

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : R.C. Thakur, for the Appellant;

Final Decision : Dismissed

Judgement

1. A petition was filed by Gango Sharma claiming three years of wages not given by the State Respondents when he worked for Respondent No. 4 Sudhir Kumar Sinha. The claim petition as was filed u/s 20 of the Minimum Wages Act, 1948 was not appended to the writ petition. Thus, from the record no one knows as to what the Petitioner had claimed.

2. Reading the order of learned Judge on the writ petition declining to interfere it appears that of Rs. 66,598.40 which was awarded to him and the delay in depositing it the Petitioner laid a further claim that the amount be computed in accordance with law by ten times. Now the Petitioner was looking for a payment of approximately Rs. 6,65,984/-. The other aspect is whether the contesting Respondent or the authority could or could not review the order. Clearly, the Petitioner was playing dice with the process of the Court.

3. Unnoticed by any authority the fact of the matter is that if the Petitioner could lay a claim for making an application for non-payment of minimum wages his initial claim could only be considered provided an application was filed within 6 months to lay claims on payments not made during this period. Only thereafter for sufficient cause shown should the Petitioner sustain an application for claims

beyond this period and on this also there has to be a reasoned order why the extended claim has been permitted.

4. Before the Court, there is no record even on the base of the claim. The application of the Petitioner is not on record. The Court is not inclined to interfere with the order on the writ petition.

5. Dismissed.