
(2010) 08 PAT CK 0162

In the Patna High Court

Hotel Samrat International and Others

APPELLANT

Vs

The State of Bihar and Parmanand Kumar, Labour
Superintendent Cum Inspecting Officer

RESPONDENT

Date of Decision : 27-08-2010

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 482
Minimum Wages Act, 1948 — Section 22(A)

Citation : (2011) 59 BLJR 150

Hon'ble Judges : Akhilesh Chandra, J

Bench : Single Bench

Judgement

Akhilesh Chandra, J.—Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. This is an application u/s 482 of the Criminal Procedure Code seeking quashing of the order dated 26.07.2001 passed by Chief Judicial Magistrate, Patna, in Case No. 1490(M)/2001 taking cognizance for the offence u/s 22A of the Minimum Wages Act and transferring the case to the Court of Sri Manoj Kumar, Judicial Magistrate, 1st Class, where Tr. No. is 1375/2001.

3. During the course of argument, my attention was drawn towards earlier orders passed in this case, such as, order dated 07.03.2006 which as appears was passed accepting the suggestion of learned Advocate General and a report was called for from District and Sessions Judge, Patna, furnishing details of the cases pending in his sessions division with regard to offence under The Minimum Wages Act and The Bihar Shops and Establishment Act.

4. On receipt of such report, staying further proceedings of the court, the case was ordered to be listed after six months, meanwhile, meanwhile, counter affidavit and supplementary counter affidavit have also been filed on behalf of the State, but, somehow or the other, this case could not be disposed of but admitted for hearing on 26.09.2007.

5. This case was being monitored by Hon''ble Mr. Justice Chandramauli Kumar Prasad as his Lordships the then was, now Judge of Apex Court, with a view to get the cases of The Minimum Wages Act, The Shops and Establishment Act and other provisions of Labour Laws to be disposed of by amicable settlement in Lok Adalat with that end and view State was directed to furnish details of the cases pending in different courts.

6. In supplementary counter affidavit filed on 26.02.2006 on behalf of the State, list of such cases pending in different judgeships of the State have been furnished. It goes to show that approximately as many as 1550 cases under The Minimum Wages Act and 4685 cases under The Shops and Establishment Act are pending.

7. In supplementary counter affidavit filed on 30.05.2007, list of altogether 91,348 cases relating with the Labour Laws such as:

1. Contract Labour Act : 3
2. Child Labour Act : 139
3. Motor Transport Employees Act : 34
4. Bonus Payment Act : 6
5. Industrial Act : 3
6. Bididi Cigar Act : 11
7. Equal Wages Act : 1
8. Minimum Wages Act(Part-I) Number of claim petitions : 50965
9. Minimum Wages Act(Part-II) Number of claim petitions : 40286 ----- Total = 91348

pending before different concerned competent authorities like Anchal Adhikari, D.C.L.R. Additional collector, Collector, Labour Commissioner, Dy. Labour Commissioners, Assistant Labour Commissioners and other enforcement officers of the State.

8. It is submitted by the Bar that in majority of the cases the punishment prescribed for the offences are fine, but in some of the cases the punishment prescribed is fine or imprisonment for a brief period. But in the event of the cases being placed before Lok Adalat and matter is amicably settled on the basis of compounding and the alleged offenders are directed to pay the fine a good number of cases i.e. several thousands pending in different courts of the State may be disposed of.

9. Taking into consideration the submissions made above, it seems convincing and reasonable to get a special Lok Adalat organized by the Bihar State Legal Services Authority, Patna, in all over Districts and Sub-Divisional Headquarters of

the civil courts or even at the Block Levels only for the cases relating to The Minimum Wages Act, The Shops and Establishment Act, besides other Labour Laws referred to above giving adequate time and notice to the authorities as well as parties concerned to appear before the Benches of Lok Adalat on the scheduled date, so that all such cases including present one may be disposed of.

10. The instant case pending before the court below may also be referred to special Lok Adalat to be organized at the instance of the Bihar State Legal Services Authority, Patna and till its disposal/any order from there, the interim order of stay granted earlier by this Court shall remain operative subject to decision of the Lok Adalat.

11. With the end and view aforeMentioned, let a copy of this order at once be sent to the Member Secretary, Bihar State Legal Services Authority, Patna, who shall by adopting all due norms in accordance with law, organize special Lok Adalats all over State for the cases relating to The Minimum Wages Act, The Shops and Establishment Act and other Labour Laws preferably in 2nd week of December 2010, providing reasonable opportunity to the authority/court concerned to get themselves thoroughly prepared, so that the affected interested parties may have due notice for appear once before the respective Benches and the purpose of argument, such Lok Adalat may suitably be achieved.

12. The Registrar General is also directed to ensure immediate transmission of copy of this order along with copy of counter affidavit and supplementary counter affidavit filed by the State containing details of cases pending in different courts/authorities to the Member, Bihar State Legal Services Authority, Patna, and also simultaneously transmit copy of order along with details of cases of respective districts to the District Judge cum Chairman, District Legal Services Authority, so that they may up-date the list of the cases pending within their jurisdiction and complete all formalities/pre-requisites well in advance, enabling themselves to act promptly on communication of the date fixed for such special Lok Adalat by Bihar State Legal Services Authority, Patna.

Accordingly, this application stands disposed of.