
(2012) 04 PAT CK 0016
In the Patna High Court
Case No : CWJC No. 13109 of 2010

Krishna Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-04-2012

Acts Referred:

Minimum Wages Act, 1948 — Section 22

Citation : (2013) 137 FLR 36 : (2012) 4 PLJR 290

Hon'ble Judges : Samarendra Pratap Singh, J

Bench : Single Bench

Advocate : Kumar Shashank Shekhar, for the Appellant;

Judgement

Samarendra Pratap Singh, J.—Heard learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondents. The petitioner prays for quashing of the order dated 6.7.2010 contained in memo no. 2897 dated 8.7.2010 passed in Minimum Wages Appeal No. 3 of 2009 by which respondent no. 2 has dismissed the appeal.

2. The petitioner filed a petition u/s 22 of the Minimum Wages Act (hereinafter referred to as "the Act") before the Assistant Labour Commissioner-cum-Authority, Bettiah (respondent no. 3) for payment of his wages. After hearing the parties, the said respondent no. 3, granted an Award of Rs. 21,600/-. The petitioner preferred an appeal being Minimum Wages Appeal No. 3 of 2009 before the Labour Commissioner which was finally heard by Joint Labour Commissioner-cum-Appellate Authority, (Minimum Wages). As the appeal was filed beyond the period of limitation, a petition for condonation of delay was also filed. The appellate authority observed that the appeal was time barred as neither the party nor his lawyer appeared before the court for four days.

3. It appears from the impugned order that the appellate authority has not dismissed the appeal for non-prosecution but he has touched the merit of the case. It appears that no reason has been assigned for accepting the case of the

respondent save and except that the petition filed by the petitioner before the Sub-Divisional Officer and the Chief Judicial Magistrate were defective.

4. In the facts and circumstances, I set aside the order dated 6.7.2010 passed by the Appellate Authority and remit the matter back to the said court for fresh consideration, subject to deposit of a sum of Rs. 5,000/- by the petitioner with the appellate court. The private respondent would be entitled to withdraw 50% of the amount at the time of hearing of the appeal and the rest would be governed by the order that may be passed by the appellate court afresh. This application is accordingly disposed of.