
(2005) 03 PAT CK 0094
In the Patna High Court
Case No : CWJC No. 13073 of 2000

Ram Dayal Bhagat

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 16-03-2005

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (2005) 2 PLJR 685

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Manoj Priyadarshi, for the Appellant;

Judgement

Narayan Roy, J.—Heard counsel for the parties. A grievance has been made by the petitioner that by order dated 10.12.1999, as contained in annexure 2, the Executive Engineer took a decision that the petitioner would be entitled to the minimum scale to the concerned grade, but no order was passed for payment of his minimum scale with effect from 8.1.1998 till the date the order was passed.

2. It is submitted by Learned Counsel for the petitioner that even amount of daily wages was not paid to the petitioner for the aforesaid period.

3. In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner was engaged from the date of the order of this Court dated 24.8.1999 on the post of Chowkidar as daily wages and since he had not worked prior to the date of order, as referred to above, he was not entitled for daily wages.

4. Disputed question pertains to payment of wages to the petitioner has been raised in this writ application, which, in my opinion, should not be decided by this Court in the writ jurisdiction.

5. The petitioner, however, will be at liberty to raise this question under the provisions of section 25F of the Industrial Disputes Act. With the direction/ observation aforesaid, this application is disposed.