
(1998) 11 PAT CK 0052

In the Patna High Court

Case No : C.W.J.C. No's. 1782 and 1783 of 1988

Ram Tawakya Chaubey

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 12-11-1998

Acts Referred:

Minimum Wages Act, 1948 — Section 20, 20(1), 20(2), 20(3), 20(6)

Citation : (1999) 1 PLJR 492

Hon'ble Judges : N. Pandey, J

Bench : Single Bench

Advocate : Damodar Pd. Tiwary and Dhananjay Chaubay, for the Appellant; N.K. Sinha, for State, for the Respondent

Judgement

N. Pandey, J.—As points involved in all these eleven cases are common therefore, they have been heard together and are being disposed of by this order.

2. Petitioners have challenged the orders of the Deputy Collector, Land Reforms, Bikramganj, whereby, he has set aside the decisions of The Anchal Adhikari, passed u/s 20(3) of the Minimum Wages Act. A prayer has also been made to quash the orders of the Additional Collector, whereby, he has dismissed Petitioners' appeals, preferred against the orders of the Deputy Collector, Land Reforms.

3. This appears not in dispute that previously the claim of the labourers for payment of minimum wages, as required u/s 20(3) of the Minimum Wages Act, in short "the Act", was rejected by the Anchal Adhikari. Thereafter, as would appear from the records that no statutory appeal, as required under Sub-section (6) of Section 20 of the Act, was filed before the Additional Collector. Later probably after expiry of one and half year an application was moved by the concerned labourers before the District Collector, who directed the Sub-Divisional Officer, Bikramganj to examine the grievances. It would further appear from the impugned orders itself that the Sub-Divisional Officer sent the records of the case before the Deputy Collector, Land Reforms for final disposal. There is no

dispute that both the parties appeared before the Deputy Collector, Land Reforms and ultimately the claim of the labourers was allowed and the orders passed by the Anchal Adhikari were set aside.

4. Learned Counsel appearing for the Petitioners besides the submissions with regard to the merit of the case, also contended that the Deputy Collector, Land Reforms had no jurisdiction to hear the appeal against the orders, passed by the Anchal Adhikari u/s 20(3) of the Act. In support of his submission, learned Counsel drew my attention towards a notification No. S.O. No. 22 dated 18th January, 1980 whereby all the Additional Collectors of this State were authorised to hear appeals against the orders of the Anchal Adhikari u/s 20 of the Act. Learned Counsel appearing for the State could not point out any other provision to suggest that an order u/s 20 of the Act, passed by the Anchal Adhikari can also be set aside by the Deputy Collector, Land Reforms.

5. In my view, having regard to the facts, noticed above, the grievance of the Petitioners appears justified. Because from a bare reference to the aforesaid notification, it would appear that the Sub-Divisional Officer, Circle Officer, Deputy Collector, Land Reforms, Deputy Collector or any other Deputy Collector appointed as authority under Sub-section (1) of Section 20 of the Act will comprise a concurrent jurisdiction. Therefore, in absence of any appeal before the Additional Collector, the impugned decision of the Deputy Collector, Land Reforms, has to be declared without jurisdiction.

6. Apart from the aforesaid, from a bare reference to the provisions of Sub-section (6) of Section 20 of the Act it would appear that an appeal before the competent authority against an order u/s 20(2) or (3) of the Act can only be filed within a period of thirty days. In this case, undisputedly the order of the Anchal Adhikar was passed as back as in the year, 1985 but the application was preferred before the Additional Collector after expiry of one and half years. However, even at that stage no statutory appeal was filed.

7. I had also occasion to examine similar irregularities in C.W.J.C. No. 1767 of 1988 and its analogous cases and had set aside the impugned orders on 29th October, 1998. Points involved in these cases are exactly similar to those cases.

8. Therefore, taking into consideration the facts, noticed above, I have no option but to set aside the orders of the Deputy Collector, Land Reforms, as also the orders of the Additional Collector and allow the writ petitions to the extent indicated above. But in the circumstances of the case, there shall be no order as to costs.