
(2008) 07 PAT CK 0053
In the Patna High Court
Case No : LPA No. 138 of 2008

Sister Mary Elise

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 01-07-2008

Acts Referred:

Minimum Wages Act, 1948 — Section 20

Citation : (2009) 1 PLJR 231

Hon'ble Judges : R.M. Lodha, C.J; Kishore K. Mandal, J

Bench : Division Bench

Advocate : Amarendra Narayan, for the Appellant; Manindra Kr. Singh, for the Respondent

Final Decision : Dismissed

Judgement

1. We heard the counsel for the appellants. The appeal suffers from delay of 22 days and for that an application (I.A. No. 913/2008) has been made. Even if we condone the delay in filing the appeal for the reasons set out in the application, we are of the view that the appeal has no merit at all.

2. Although the first proviso to subsection (2) to Section 20 of the Minimum Wages Act, 1948, provides that every application with regard to claim of wages shall be presented within six months from the date on which the minimum wages or other amount became payable, the second proviso carves out an exception. It provides that any application will be admitted after the period of six months when the applicant satisfies the authority that he had sufficient cause for not making such application within the period. We find that the statutory authority by his order dated 28th of July, 2003, condoned the delay in making the application within six months of the claim and proceeded to deal with the matter on merits accordingly. In this fact situation, we are of the view that the decision of this court in the case of Gango Sharma Vs. The State of Bihar and Others, , has no application.

3. The consideration of the matter by the Single Judge does not call for any interference. Letters Patent Appeal is dismissed in limine. In view of dismissal of appeal in limine, the stay petition (I.A. No. 2724/ 2008) does not survive and is dismissed.