

(2019) 07 PAT CK 0145

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 14409, 14419, 14427, 14432, 14439, 14521, 14462, 14473, 14442, 14516, 14551, 14464, 14410, 14417, 14474, 14819, 14498, 14576, 14443, 15200, 14413 Of 2017

State Of Bihar Through The Range And Ors

APPELLANT

Vs

Upendra Yadav And Ors

RESPONDENT

Date of Decision : 08-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0145

Hon'ble Judges : Shivaji Pandey, J

Bench : Single Bench

Advocate : Sarvesh Kumar Singh, Shakib Ayaz, Lokesh Kumar Singh, Sunita Kumari, Tej Pratap Singh, Ravi Kumar, Bishweshwar Ram

Final Decision : Dismissed

Judgement

Heard learned counsel for the parties.

All the cases, being identical in nature, are disposed of by this common order.

In all the cases, the private respondents have claimed the payment of arrear of wages and the authority has directed for payment of arrear of salary and has granted compensation of Rs. 25/- to each of the worker. The court below has also clubbed together all such cases and disposed of all the cases being P.W. (Payment of Wages) Case No. 1 to 43/1996 by a common order.

Altogether 43 persons have filed their respective claims for the payment of arrear of wages having claimed that they were working in the Fores Department but, the salary has not been paid to them. It will be relevant to quote the claim of each of the worker which is as follows:-

Sl.

No.

Case No.

Name of Parties

Name of Respondent (Labour

Lower Court Case No.

Period of work (As alleged)

Post of work (As alleged)

Rate of payment @ per day

Amount of Payment (Rs.)

1

CWJC No. 14409/2017

The State of Bihar & Anr. Vs.

Upendra Yadav & Ors.

Upendra Yadav

28/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

2

CWJC No. 14410/2017

The State of Bihar & Anr. Vs. Jagdish Yadav & Ors.

Jagdish Yadav

04/96

01.10.1994 to

30.06.1995

(270 days)

Animal saver / Protector

Rs. 30.50 (270X30.50)

Rs. 8235/-

3

CWJC No. 14413/2017

The State of Bihar & Anr. Vs. Nunu Lal Paswan & Ors.

Nunu Lal Paswan

32/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

4

CWJC No. 14417/2017

The State of Bihar & Anr. Vs. Lal Paswan @ Shri Lal Paswan & Ors. & Ors.

Lal Paswan @ Shri Lal Paswan

06/96

01.10.1994 to

30.06.1995

(270 days)

Gardener (Maali)

Rs. 30.50 (270X30.50)

Rs. 8235/-

5

CWJC No. 14419/2017

The State of Bihar & Anr. Vs.

Sadanand Paswan & Ors.

Sadanand Paswan

31/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

6

CWJC No. 14427/2017

The State of Bihar & Anr. Vs. Dasrath Yadav & Ors.

Dasrath Yadav

10/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

7

CWJC No. 14432/2017

The State of Bihar & Anr. Vs. Arun Paswan & Ors.

Arun Paswan

20/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

8

CWJC No. 14439/2017

The State of Bihar & Anr. Vs.

Gangadhar Yadav & Ors.

Gangadhar Yadav

17/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

9

CWJC No. 14442/2017

The State of Bihar & Anr. Vs.

Chakradhar Mahto & Ors.

Chakradhar Mahto

16/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

10

CWJC No. 14443/2017

The State of Bihar & Anr. Vs. Hasan Imam & Ors.

Hasan Imam

15/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

11

CWJC No. 14462/2017

The State of Bihar & Anr. Vs. Prabhu Yadav & Ors.

Prabhu Yadav

22/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

12

CWJC No. 14464/2017

The State of Bihar & Anr. Vs. Nilesh Kumar & Ors.

Nilesh Kumar

21/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

13

CWJC No. 14473/2017

The State of Bihar & Anr. Vs.

Brahmdev Mandal & Ors.

Brahmdev Mandal

24/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

14

CWJC No. 14474/2017

The State of Bihar & Anr. Vs.

Dhaneshwar Mandal & Ors.

Dhaneshwar Mandal

11/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

15

CWJC No. 14498/2017

The State of Bihar & Anr. Vs.

Ramchandra Sah & Ors.

Ramchandra Sah

02/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

16

CWJC No. 14516/2017

The State of Bihar & Anr. Vs. Anil Kumar Mandal & Ors.

Anil Kumar Mandal

03/96

01.10.1994 to

30.06.1995

(270 days)

Security Guard

Rs. 30.50 (270X30.50)

Rs. 8235/-

17

CWJC No. 14521/2017

The State of Bihar & Anr. Vs. Kundan Yadav & Ors.

Kundan Yadav

38/96

01.10.1994 to

30.06.1995

(450 days)

Rs. 30.50 (450X30.50) Rs. 13,725

Rs. 8235/-

requested for payment

18

CWJC No. 14551/2017

The State of Bihar & Anr. Vs.

Bhupdev Paswan &@ Bhudeo Yadav & Ors.

Bhupdev Paswan &@ Bhudeo Yadav

39/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (450X30.50) Rs. 13,725

Rs. 8235/-

requested for payment

19

CWJC No. 14576/2017

The State of Bihar & Anr. Vs. Ranjeet Yadav & Ors.

Ranjeet Yadav

37/96

Period not mentioned

Rs. 30.50 (270X30.50)

Rs. 8235/-

requested for payment

20

CWJC No. 14819/2017

The State of Bihar & Anr. Vs.Smt.

Shilo Devi & Ors.

Smt. Shilo Devi

07/96

01.10.1994 to

30.06.1995

(270 days)

Rs. 30.50 (270X30.50)

Rs. 8235/-

21

CWJC No. 15200/2017

The State of Bihar & Anr. Vs. Ashok Mandal & Ors.

Ashok Mandal

36/96

01.08.1994 to

30.06.1995

(330 days)

Animal saver / Protector

Rs. 30.50 (330X30.50) Rs. 10,065

Rs. 8235/-

requested for payment

Total

Rs. 1,72,935/-

The aforesaid claim is in tabular form and arrear amount has been mentioned therein save and except Rs. 25/- to be added with the amount as has been mentioned against each worker and the Court, after discussion, allowed claims of certain worker and also rejected the claim of some of workers, which are as follows:-

"इस प्रकार इन दावा पत्रों की सिद्धि नहीं हो सकी है। अतः दावा पत्र संख्या 1/96, 5/96, 9/96, 12/96, 13/96, 14/96, 18/96, 23/96, 25/96, 26/96, 27/96, 33/96, 34/96, 41/96, 42/96, खारिज किये जाने योग्य है।"

The claim of P.W. Case No. 1/96, 5/96, 9/96, 12/96, 13/96, 14/96, 18/96, 23/96, 25/96, 26/96, 27/96, 33/96, 34/96, 41/96 and 42/96 have been rejected by the Labour Court as they failed to substantiate their respective claim.

It appears from the order that the notice of the case was not sent to Forest Department but, the Forest Department did not take any step, ultimately, the Court passed the ex-parte order.

The cases of workers were pursued. The Labour Enforcement Officer, respondents workers came to dock and asserted their respective claim which has not been contradicted by the petitioner. Even in the writ application, nowhere the State has disputed the employment of respondents whose cases have been allowed and they have claimed salary as per minimum rate of wages fixed by the State of Bihar.

In that view of the matter, when a substantial justice has been given in connection with payment of salary to the workman, even if some error is there, that has to be ignored. Reliance in this connection may be made to the judgment passed in the case of A.M. Allison & H.P. Brigg. Vs. B.L. Sen & Ors. reported in

AIR 1957 SC 227, para-17, Om Prakash Goel Vs. Committee of Management, Kunwar R. C. Mahila Degree College, Mainpuri Vs. Vice Chancellor, Agra University & Anr. reported in 1991 LIC 1493, in the case of Krishna Chandra Pallai Vs. Union of India & Anr. reported in 1992 LIC 2023 and in the case of Chandra Singh & Ors. Vs. State of Rajasthan & Anr. reported in 2003 (6) SCC 545 para-43.

Accordingly, this Court does not find any merit in all these writ applications and the same are dismissed without any cost.