
(2003) 08 JH CK 0094

In the Jharkhand High Court

Case No : Writ Petition (C) No. 5018 of 2002

Uday Prasad Singh

APPELLANT

Vs

Labour Enforcement Officer (Central) and Others

RESPONDENT

Date of Decision : 22-08-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 4 JCR 668

Hon'ble Judges : Tapen Sen, J

Bench : Single Bench

Advocate : J. Mazumdar, for the Appellant; Sheela Prasad, for the Respondent

Judgement

Tapen Sen, J.—When this case was called out Mrs. J. Mazumdar, learned counsel for the petitioner sought permission to make correction of some inadvertent clerical error which have appeared at pages 2 and 3 of the writ application.

2. Let her do so during the course of the day.

3. Heard Mrs. J. Mazumdar, learned counsel for the Petitioner and Mrs. Sheela Prasad learned counsel for the respondents and with their consent this Writ Application is being disposed off at this stage.

4. The petitioner is aggrieved by the Order dated 12.7.2002 passed by the Regional Labour Commissioner (Central) in Minimum Wages Case No. 65 of 2000 whereby and whereunder he held that the payment made by the -petitioner was less than the minimum wages and accordingly awarded a sum of Rs. 21,350.00 (Rupees Twenty One Thousand Three Hundred Fifty only) to be paid to the concerned twenty workmen within a period of thirty days.

5. Mrs. J. Mazumdar, learned counsel for the petitioner submits that the petitioner had already paid the entire sum of money and therefore, the Order that was passed was uncalled for.

6. Mrs. Sheela Prasad learned counsel appearing for the respondents however

submitted that the petitioner was given sufficient opportunity to prove his case and to produce the workers but he did not do so and therefore he is not entitled to any relief in this writ application.

7. Mrs. J. Mazumdar however makes a prayer that it is true that on a number of occasions the petitioner did not present himself but the only reason why he did not do so was because he was complacent that no action would be taken against him because he had already paid the entire sum of money. However, she submits that the petitioner is still ready and willing to produce all the workmen before the appropriate authority so as to prove that they have not been paid less wages.

8. In that view of the matter, this Court considers it appropriate to remand the matter to the Regional Labour Commissioner, Circle-Dhanbad, without however, setting aside the order at this stage. The effect of this order is that till appropriate decision is taken hereafter pursuant to this order, the impugned order shall only remain in abeyance. It shall now be the duty of the petitioner to produce the order of this Court before the authority and on the date fixed by him, he shall appear and produce necessary evidence and record including the workers to establish his claim that he has already made the payment and that there had been no less payment from his side. If the petitioner is able to prove his case, only then, the Labour Commissioner will recall the order dated 12.7.2002 and will substitute it with a fresh order in accordance with law. The responsibility of the petitioner shall be to appear before the Labour Commissioner within two weeks from today and the Labour Commissioner shall, upon receipt of an appropriate application which shall be accompanied with this application will indicate the date and shall complete the entire exercise within a period of four weeks from the date of receipt of a copy of this order.

9. With the aforesaid observations and directions, this writ application is disposed off. There shall however be no order as to costs.