

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C. M. P. No. 592 of 2019

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The State of Jharkhand through
Executive Engineer, NREP, Hazaribagh **Petitioner**

Versus

1. Sri. Lal Mohan Mahto
2. Sri. Umesh Pahan
3. Sri Ramesh Kumar Singh
4. The Secretary to the Government of Jharkhand, Ministry of Labour and
Employment, Ranchi **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE RAJESH KUMAR

For the Petitioner : Miss Surbhi, AC to AAG-II.
For the Opp. Parties :

The matter was taken up through Video Conferencing. Learned counsel for the petitioner had no objection with it and submitted that the audio and video qualities are good.

03/26.03.2021

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Heard learned counsel for the State.

The present application has been filed for restoration of W. P. (L) No. 2409 of 2013, which was dismissed for non compliance of the peremptory order dated 24.07.2019.

From perusal of the records, it appears that the said writ petition has been filed for following reliefs:

“That in the instant writ application the petitioner prays for issuance of writ in the nature of certiorari for set aside the Award dated 24.11.2010 (Annexure-9) passed by the learned Presiding Officer-cum-Authority under minimum wages Act, Labour Court, Hazaribagh in M.W. Case No.4 of 2005 whereby and whereunder the learned Presiding Officer allowed the application of the Respondent and directed to Petitioner to pay the amount of Rs.6,94,504/- to the workers within the period of two months and judgment dated 26.07.2012 passed in M.W. Appeal No.10/2011 by the Presiding Officer, Industrial Tribunal, Ranchi, in which the learned Tribunal dismissed the Appeal No. 10/2011 on 26.07.2012 (Annexure-10) and directed the petitioner to pay the amount of Rs.6,94,504/- to the workers within a period of two months from the date of the award failing which the same can be recovered legally from the opposite parties.

AND

Be further pleased to stay the operation of the order dated 24.11.2010 (Annexure-9) passed by the learned Presiding Officer-cum-Authority under Minimum Wages Act, Labour Court, Hazaribagh in Case No.4 of 2005 and judgment of the Presiding Officer, Industrial Tribunal, Ranchi dated 26.07.2012 (Annexure-10) till the disposal of this writ application.”

Thus, litigation is regarding minimum wages and ultimately order has been passed in favour of the employee, which has been upheld by the Appellate Tribunal.

The present writ petition has been filed in the year 2013, which was defective till the year 2019 and further one opportunity has been given to the State to remove the defects.

Seeing the nature of litigation and the attitude of the State, I find no reason to restore W. P. (L) No. 2409 of 2013 to its original file. Accordingly, the present C.M.P. stands dismissed.

(Rajesh Kumar, J.)

Kamlesh/