

Patna High Court - Orders

Sister Mary Elise vs The State Of Bihar & Ors on 1 July, 2008

IN THE HIGH COURT OF JUDICATURE AT PATNA

LPA No.138 of 2008

SISTER MARY ELISE

Versus

THE STATE OF BIHAR & ORS

For the appellant : Mr.Amarendra Narayan, Advocate For the respondents : Mr.Manindra Kr.Singh,
G.P.12

PRESENT Hon'ble the Chief Justice & Hon'ble Mr. Justice Kishore K. Mandal

Dated, the 1st July, 2008.

We heard the counsel for the appellants.

2. 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.

3. Although the first proviso to sub-section (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 & Ors., reported in 2003 (2) PLJR 671, has no application.

4. The consideration of the matter by the Single Judge does not call for any interference. Letters Patent Appeal is dismissed in limine.

5. In view of dismissal of appeal in limine, the stay petition (I.A.No.2724/2008) does not survive and is dismissed.

R.M. Lodha, CJ Kishore K. Mandal, J.

Sunil