

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11228 of 2014

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Speedcrafts Ltd. A Company Incorporated under the Companies Act having its office at Layak Bhawan Boring Canal Road, P.S. Buddha Colony , District - Patna through its Director Shyam Sunder Khadria son of of Late Prahlad Rai Khadria resident of Layak Bhawan Boring Canal Road, P.S. Budha Colony, District Patna.

.... Petitioner

Versus

1. State of Bihar through Secretary, Labour Resources Department, Bihar having its office at Vikas Bhawan, Bailey Road, Patna.
2. Inspector of Factories, Circle No. 1, Patna.
3. Labour Superintendent , Patna Division having its office at 20-21/84, Officers Flat, New Punaichak, Patna.
4. Speedcrafts Labour Union having its office at Sahay Nagar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. D.V.Pathy
For the State : AC to SC - 2

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3. 20-07-2015 Heard Sri D.V.Pathy, learned counsel for the petitioner and learned A.C. to Standing Counsel – 2.

The petitioner in the present writ petition has prayed for quashing of Annexure – 6 to the writ petition i.e. a communication made by Factory Inspector, vide Memo No. 111 dated 11-04-2014 whereby the notice (Annexure – 2) given by the petitioner has been turned down. The notice i.e. Annexure – 2 was issued by the petitioner-factory, whereby it was indicated that in lieu of holiday on the occasion of parliamentary election i.e. on 17-04-2014, 20th April, 2014 shall be treated as working day. The

date i.e. 20th April, 2014 was Sunday. The said notice was communicated to the Factory Inspector as well as the Labour Commissioner.

Learned counsel for the petitioner accepts that though in view of communication made vide Annexure – 2, 20th April, 2014 (Sunday) was declared as working day, same was not adhered to. However, learned counsel for the petitioner tried to raise an issued as to whether provisions contained in the Representation of Peoples Act, 1951 can override the provisions of the Factories Act in respect of holidays.

The Court is of the opinion that since the day, which the petitioner had declared as working day, has already been enjoyed as holiday by the employees, this Court may not delve into academic discussions.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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