

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.13430 of 2013**

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Bihar Local Bodies Employees Federation, Nagar Nigam Office, District-  
Gaya, through its Secretary, Amrit Prasad, Son of Sri Lalkeshwar Prasad  
Resident Of Mohalla- Purani Jail Khana, P.S.- Kotwali, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development  
Department, Government of Bihar, Patna
2. The Commissioner, Gaya Municipal Corporation, Gaya.

.... .... Respondent/s

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with

**Civil Writ Jurisdiction Case No.13734 of 2013**

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Kamni Devi Wife of Ram Bilash Paswan, resident of mohalla- Ram Nagar  
Colony Purbey, P.S. Chandauti, District- Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development  
Department, Government of Bihar, Patna
2. The Commissioner, Gaya Municipal Corporation, Gaya.

.... .... Respondent/s

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**Appearance :**

(In CWJC No.13430 of 2013)

For the Petitioner/s : Mr. Arun Kumar Sinha

For the Respondent/s : Mr. Rakesh Kr Samrendra

(In CWJC No.13734 of 2013)

For the Petitioner/s : Mr. Arun Kumar Sinha

For the Respondent/s : Nikesh Kumar, AC to SC-20

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

5      09-01-2015                      Heard learned counsel for the petitioners and learned  
counsel for the State.

Identical question has been raised in both the cases,  
and as such, both cases are being disposed of by a common order.

In this case, it appears that there was a retrenchment



of the employees of Gaya Municipal Corporation. The industrial dispute raised was referred under Section 10 (1) (C) of the I.D.Act to the Labour Court, Dalmia Nagar, accordingly the award was passed by the Labour Court who set aside the order of retrenchment and passed the order of reinstatement with full back wages. When the Municipal Corporation did not implement the award, the Government of Bihar in exercise of power conferred under Section 29 of the Industrial Disputes Act, directed to lodge a criminal case against the Municipal Corporation and also against Dhaneshwar Prasad Choudhary.

In pursuance thereof, a criminal case was filed against the Municipal Corporation as well as Dhaneshwar Prasad Choudhary and Dhaneshwar Prasad Choudhary challenged the order of cognizance in Criminal Miscellaneous No. 15936 of 2013 and this Court stayed the proceeding of court below.

It has further been submitted by the counsel for the petitioners that the award passed by the Labour Court, Dalmia Nagar was challenged before this Court in the writ application vide C.W.J.C. No. 14381 of 2008 and C.W.J.C. No. 15208 of 2008 which have already been dismissed and the review applications vide Civil Review No. 210/2011 and Civil Review No. 211/2011 have also met with the same consequences even

then the award has not been implemented.

This Court is not executing Court of the award passed by the Labour Court under the Industrial Disputes Act.

For implementation of the award, two modes are available under the Industrial Disputes Act, one by filing an application under Section 33(C) (2) of the Act for computation of the amount in terms of the award and another by filing a criminal case through the Government machinery.

As the Government machinery has already lodged the criminal case, petitioners have options to make prayer for modification of order of stay as well as they may approach the Labour Court under the proper heading for computation of the award amount in terms of award passed by the Labour Court, Dalmia Nagar.

In this view of the matter, this Court is not inclined to entertain this application in the present form. Accordingly, this application is dismissed.

The counsel for the petitioners has drawn attention to Annexure-8 which shows that the Union of Municipality and the Management have entered into a settlement and they have not complied with the terms as arrived between them.

This Court is not passing any positive order but the

Municipal Corporation which is a State within the meaning of Article 12 of the Constitution of India is expected to behave as modal employer, not to harass employees when the matter has already been settled by the Court of law and should not behave as a private employer. It should have implemented the award in letter and spirit when this Court has also not interfered with the award passed by the Labour Court, Dalmia Nagar.

Accordingly, this petition is disposed of.

**(Shivaji Pandey, J)**

Mahesh/-

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