

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6164 of 2003

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Parke-Davis(India)Limited Paville House 1216/4A-Off Veer Savarkar Marg,
Prabhadevi, Mumbai-400 025, through N.M.Dixit, Director, Employees Relation.

.... Petitioner/s

Versus

- 1.The State of Bihar .
2. Presiding Officer, Labour Court, East Champaran, Motihari.
3. Debabrata Bose son of Sudhindra Bose, C/o BSSRU, Rest House Christian Colony, Bettiah, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Sinha, Adv.
Mr. Indrajeet Bhushan, Adv. &
Mr. Mahesh Kumar, Adv.

For the State : Mr. M.K.Sinha, SC-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-04-2015

Heard counsel for the petitioner and the State.

In this case, petitioner is challenging the order dated 17th April 2003 passed in Misc. Case No. 1 of 1998 passed by the Presiding Officer, Labour Court, Motihari whereby ad whereunder he has decided that Labour Court, Motihari has jurisdiction to deal with the matter on merit.

Mr. Debabrata Bose, the work man was en employee of the petitioner as Medical Sales Representation in the district of Motihari. He w as transferred to another place, did not join there and filed an application for the monetary benefit as provided u/s 33(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'I.D.Act')

The Management on receipt of notice appeared , raised the issue that the Medical Sales representative is not a workman under the I.D.Act so much so the claim that he has made cannot be subject matter of adjudication under the aforesaid proceeding.

The Labour Court has decided against the Management.

No one is coming forward on behalf of workman.

Counsel for the petitioner has submitted that the issue with regard to maintainability under the I.D.Act has already been settled by this Court in 2012(1) PLJRE 214 where the Division Bench has held that the Medical Sales representatives are not workmen within the meaning of Section 2(s) of the I.D.Act.

Placing reliance on this judgment, the order dated 17th April 2003 holding having jurisdiction to deal with the matter under Section 33(2) of the I.D.Act is not sustainable and, accordingly, the same is quashed and this petition is allowed.

The original record was called for. The Office is directed to return the same.

(Shivaji Pandey, J)

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