

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1728 of 2011

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Ramakant Roy S/O Vikram Prasad Roy R/O Village - Mandroja, Durga
Asthan, Sonbarsa, Gola Ghat, P.S. - Tatarpur, District - Bhagalpur
..... Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate, Bhagalpur
3. The Dy. Labour Commissioner, Bhagalpur Division, Bhagalpur
4. The Labour Enforcement Officer (Central), Bhagalpur
5. The Superintendent Of Labour, Bhagalpur
6. The State Bank Of India Through The Regional Manager, Region - 1,
Bhagalpur
7. The Branch Manager, State Bank Of India, Jawahar Lal Nehru Medical
College And Hospital, Branch, Bhagalpur
..... Respondents

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Adv.
For the Respondent/s : Mr. Utsav Kumar, AC to GA11
For the Bank : Mr. S.D.Sanjay, Sr.Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 06-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner in this writ application has prayed for his being engaged on daily wages as Sweeper as also for payment of his wages for the period 20.5.2010 to 30.6.2010 and that the respondents in their counter affidavit have explained that the petitioner actually was working as a Canteen Boy and as such, his services being not covered by Shastri Award, he cannot be granted any relief sought in this writ application. Reliance in this connection has also been placed in the counter affidavit on the judgment of the Apex Court in the case of State Bank of India v. SBI Canteen Employees Union, reported in

(2000)5 SCC 531.

Having regard to the fact that the copy of the counter affidavit was served on Mr. Bhola Prasad, learned counsel for the petitioner, way back on 22.2.2011 and no reply to the counter affidavit has been filed, this writ application must be held to be wholly misconceived, inasmuch as now it becomes clear that the petitioner was only a Canteen Boy and therefore, this time no one will be responsible for governing his terms and conditions of the service in view of the aforementioned judgment of the Apex Court in the case of SBI Canteen Employees Union (supra).

That being so, this application is wholly misconceived and is, accordingly, dismissed.

(Mihir Kumar Jha, J)

surendra/-

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