

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2066 of 2013

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Ram Bharosa Singh S/O Sri Rajnath Singh , resident of Village- Bikrampur,
P.O.- Manodihari (Now Kamariaon), P.S.- Tiyar, District- Bhojpur

.... Petitioner

Versus

1. The Bihar State Sugar Corporation Ltd. through its Managing Director, Bihar State Sugar Corporation Ltd., Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna-800023 (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna)
2. Sri A.M. Singh Kuntia, The Chief of Administration, Bihar State Sugar Corporation Ltd., Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna-800023 (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna)
3. The General Manager, Bihar State Sugar Corporation Ltd., Unit- New Savan, District- Siwan
4. The General Manager, Bihar State Sugar Corporation Ltd., Unit-Hathua, P.O.- Mirganj, District- Gopalganj
5. Sri Rajendra Prasad, Assistant Manager (Personal), Bihar State Sugar Corporation Ltd., Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna-800023 (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna)
6. Sri Kamlesh Chandra Verma, Assistant, Bihar State Sugar Corporation Ltd., Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna-800023 (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna)
7. Sri Arvind Kumar Singh, Daily Rated Typist, Bihar State Sugar Corporation Ltd., Unit- New Savan, District- Siwan

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra
For the Respondent/s : Mr. Gyan Shankar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 21-07-2015 Heard Sri Raj Kumar Rajesh, learned counsel, who

was assisted by Sri Maya Shankar Mishra, learned counsel for the

petitioner.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India , has prayed for
setting aside the order dated 05.11.2012 passed by the learned



Presiding Officer, Labour Court, Patna in Misc. Case no.20 of 1997. By the said order, the petition filed by the petitioner under Section 33C (2) of the Industrial Dispute Act, 1947 has been rejected. The petitioner had filed the aforesaid case in the court of Presiding Officer, Labour Court, Patna with a prayer to direct the Respondents to pay his arrears of wages in terms of standing order of the Corporation. The claim was for the period from 01.06.1981 to 31.07.1982, from 01.08.1982 to 26.01.1988, from 27.01.1988 to 31.04.1989. He also claimed that he has not received wages during the period from 01.07.1981 to 14.03.1996 and he had claimed total Award of Rs.2,82,488.61 with interest. According to the petitioner, he was entitled to get total amount to the tune of Rs. 31,07,374.32.

In the case, before the Labour Court the Respondent Management appeared and disputed the claim of the petitioner. Primarily, it was objected that the claim was barred by limitation since after expiry of about 18 years, the claim was made. It was further pleaded that in respect of the claim for certain period, the petitioner had approached the authority concerned, which was rejected. Subsequently, the petitioner assailed that order before this Court. The writ petition filed by the petitioner was rejected, which was affirmed by L.P.A. Court. In nut shell, objection was

raised that the petitioner was not entitled to get the amount claimed by him.

Before the learned Presiding Officer, from both sides documents were produced and the same were examined. Finally, the Presiding Officer after noticing the dispute being raised by the management concluded that under Section 33C (2) of the Industrial Dispute Act, the petition was not maintainable primarily on the ground that in the case, neither there was any award nor there was any settlement between the parties.

Learned counsel for the petitioner tried to persuade the court that the claim of the petitioner was genuine and, as such, he was entitled to get the entire amount.

I have also perused the materials available on record, particularly the order impugned. On going through the impugned order, the Court is satisfied that in the case, before the Labour Court, there was no award or order, which was required to be executed nor there was settlement, rather specific dispute was raised by the management and, as such, the learned court below has rightly rejected the petition since it was not maintainable. The question on this issue has already been settled long back by a Constitution Bench of the Hon'ble Apex Court, which has been taken note by the Apex Court in a case , reported in (1995) 1 SCC

235; Municipal Corporation of Delhi Vs. Ganesh Rajak.

The Court is of the opinion that in view of law settled by the Hon’ble Apex Court, the learned Presiding Officer has rightly rejected the claim filed by the petitioner. There is no requirement for any interference.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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