

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3713 of 2009

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St. Karen'S School Rickshaw Puller Karamchari Union, Patna through its General Secretary.

.... Petitioner/s

Versus

1. The State of Bihar through the Presiding Officer, Labour Court, Patna
2. The Management of St. Karen's School Shri Krishnapuri, Boring Road, Patna through its Principal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Krishna Prasad, Adv.

For the Respondent/s : Mr. Alok Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 05-08-2016

Heard Mr. Satyendra Krishna Prasad, learned counsel for the petitioner, counsel for the State and Mr. Alok Kumar Sinha learned counsel for the respondent management.

The petitioner is aggrieved by the 'No dispute award' pronounced by the Presiding Officer, Labour Court, Patna vide order passed on 26.9.2007. The order reflects that it is on the submission made by the counsel for the petitioner regarding absence of instructions to proceed with the matter that the court below has proceeded to pronounce a 'No dispute award'.

Pursuant to the order of this Court that the order sheet in the Industrial Dispute has been placed and a perusal thereof shows that whereas the evidence of the petitioner was closed on 11.12.2006, the matter had been posted for the evidence of the management and for

argument but since sufficient time lapsed thereafter that the court below on the submission of the counsel for the petitioner regarding absence of instructions has proceeded to pronounce the award in question. In my opinion, considering the status of the matter a mere communication gap in between the petitioner and his counsel should not be allowed to seize the right to contest vested in the petitioner.

On the principles of substantial justice and considering the stage at which the dispute was resting, the ‘No dispute award’ impugned in this writ petition cannot be upheld and is accordingly quashed and set aside. The Reference Case No. 19 of 1997 restored to its file. The matter is remitted to the Presiding Officer, Labour Court, Patna who shall proceed from the stage at which the matter was resting when the impugned award was pronounced and dispose of the same in accordance with law.

The parties would appear before the Presiding Officer along with the copy of this order on or before 16.8.2016 when he shall proceed to dispose of the matter in the manner stipulated hereinabove.

The writ petition is allowed.

(Jyoti Saran, J)

Bibhash/-

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CAV DATE	
Uploading Date	9-8-16
Transmission Date	