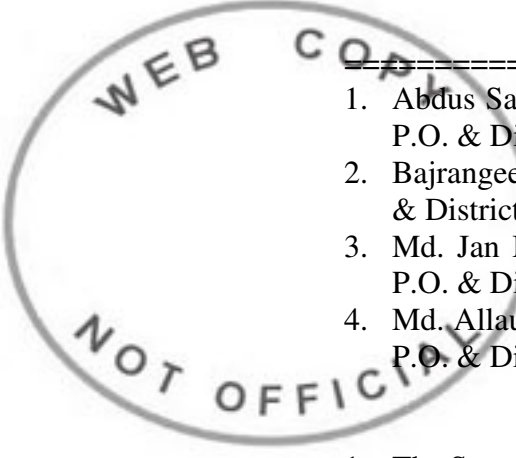


IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1562 of 2012

IN

Civil Writ Jurisdiction Case No. 6161 of 2011

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1. Abdus Salam Sabri, son of Late md. Kalim, resident of Mohalla – Churambha, P.O. & District – Munger.
 2. Bajrangee Paswan, son of Kishori Paswan, resident of Mohalla – Katghar, P.O. & District – Munger.
 3. Md. Jan Mohammad, son of Md. Zakir, resident of Mohalla – Murgia Chak, P.O. & District – Munger.
 4. Md. Allauddin, son of Late Sheikh Rahmat, resident of Mohalla – Haji Subhan, P.O. & District – Munger.

.... Appellants

Versus

1. The State of Bihar.
2. The Presiding Officer, Industrial Tribunal and Appellate Authority, Bailey Road, Patna.
3. Joint Labour Commissioner and Certifying Officer, Vikas Bhawan, Bailey Road, Patna.
4. I.T.C. Ltd. Munger, P.O. – Basudeopur, Munger, Bihar through its Branch Manager.
5. The Tobacco Manufacturing workers Union, Basudeopur, Munger, through its General Secretary.
6. Azadi Yadav, son of Bhuneshwar Yadav, resident of village – Sermadpur, P.O. – Basudeopur, District – Munger.
7. Shafi Alam, son of Late Md. Moin, resident of Bari bazaar, P.O. & District – Munger.
8. Md. Ati-us-Salam, son of Late Rauf, resident of Nayagaon, P.O. – Basudeopur, District – Munger.
9. Md. Anis, son of Late Md. Siddique, resident of mohalla – Sujawalpur, P.O. – Shankarpur, District – Munger.
10. Ram Khelawan Sahni, son of late Budhan Sahni, resident of mohalla – Chawkhand, P.O. – Basudeopur, District – Munger.
11. Md. Abbas, son of Late Moin, resident of village – Meerzapur Bardah, P.O. Daryapur, District – Munger.
12. Azadi Tanti, son of Late Rameshwar Tanti, resident of mohalla – Mahadeopur, Mahuli, P.O. – Basudeopur, District – Munger.
13. Jai Prakash yadav, son of Shri Luxmi Yadav, Sheermutpur, P.O. – Basudeopur, District – Munger.
14. Ramdeo Sah, son of Late Mahabir Sah, resident of Shyampur, P.O. – Basudeopur, District – Munger.
15. Mustaquim, son of Late Md. Yaqub, resident of mohalla – Zebahara, P.O. – Basudeopur, District – Munger.
16. Rajender Pd. Choudhary, son of Late Bulaki Lal Chaudhary, resident of Azad Nagar, P.O. – Purab Sarai, District – Munger.
17. Md. Rasimuddin, son of Late Sk. Taheer, resident of village – Mirzapur Bardah, P.O. – Daryapur, District – Munger.
18. Jai Prakash Pandit, son of Late Bishun Pandit, resident of mohalla – Dalhatta, P.O. & District – Munger.
19. Bal Krishna Paswan, son of Late Cholan Paswan, resident of village – Narayanpur, Nayatola, P.O. – Daryapur, district – Munger.

20. Govind Yadav, son of Late Tarni Yadav, resident of mohalla – Bari Mahuli, P.O. – Basudeour, District – Munger.
21. Md. Illyas, son of Late Abdur Rahman, resident of village – Nayagaon, P.O. Basudeopur, District – Munger.
22. Jawala Yadav, son of Late Madni Pd. Yadav, resident of village – Shyampur, P.O. - Basudeopur, District – Munger.
23. Md. Alam, son of Late Md. Saleem, resident of village – Haji Subhan (Naya Tola), P.O. – Purab Sarai, District – Munger.

.... Respondents

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Appearance :

For the Appellants : Mr. Chandra Bhushan Verma, Advocate

For the Respondents : Mr. Deepak Sahay Jamuar, AC to AAG-6

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 09-03-2016

Heard learned counsel for the appellants and
learned counsel for the State.

2. The contention made on behalf of the appellants is that while the matter was pending in appeal, at the behest of the management, they had sought to intervene in the matter, but that was rejected by the appellate authority, which decision was not interfered by the learned Single Judge. This was wrong as the rights were affected.

3. We have considered the matter, and in our view, the right and interest of the appellants, who were the writ petitioners, was represented by their duly recognized Trade Union. At the instance of the recognized registered Trade Union, the standing order was amended. It is against

that order the Management had filed the statutory appeal, at that stage a compromise as between the registered recognized Trade Union and the Management took place, and the appellate proceedings were disposed of in terms of the aforesaid. The writ petitioners/appellants wanted to intervene in the appellate proceedings as individuals which was rejected, and rightly so, as it was their own Union that had sponsored the dispute and was pursuing the same. Thus, once their interest was represented by the Union, then, individual workers cannot be allowed to intervene and that too to take a stand contrary to that of their Union.

4. We, thus, find no merit in this appeal. This appeal is, accordingly, dismissed.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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