

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.15936 of 2013

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Dhaneshwar Prasad Choudhary, son of late Dular Chad Choudhary, R/O, Vill.-
Suraudha Colony, P.S.-Koilwar, Dist.-Bhojpur, presently working as Municipal
Commissioner of Gaya Municipal Corporation, Gaya.

.... Petitioner/s

Versus

1. The State Of Bihar
2. Sri B.N. Singh, Labour Superintendent, Gaya.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. R.K. Priyardarhi, Adv.

For the State : Mr. Anil Pd. Singh, A.P.P.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH

ORAL JUDGMENT

Date: 02-05-2016

Heard learned counsel for the Petitioner and the State.

The Petitioner seeks quashing of the order of
cognizance dated 16.1.2013 passed by the Chief Judicial Magistrate,
Gaya, in G.O. Case No. 97 of 2012 under the Provisions of the
Industrial Dispute Act.

The case of the Complainant is that the Petitioners have
violated the terms of the Industrial Dispute Act by not adhering to the
award passed in respect to some 20 retrenched employees who had
Complained that work had been extracted from them as daily wage
workers between 1996-1999 but they were not regularized. The stand
of the Company was that in fact, the employees had been engaged on

purely temporary and ad hoc basis and the award was passed without hearing them.

Having considered the aforesaid without prejudice to the rights of the Parties, the application is allowed and the Proceeding including the order of cognizance dated 16.1.2013 passed by the Chief Judicial Magistrate, Gaya, in G.O. Case No. 97 of 2012, is hereby, set aside.

(Anjana Prakash, J)

S.Ali/-

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