

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.892 of 2016

- =====
1. Bharat Sanchar Nigam Limited Bihar Circle, Patna through Senior General Manager Microwave, Eastern Telecom Region (ETR), 2nd Floor, CTO Building, Budh Marg, Patna - 800001.
 2. Sr. General Manager Microwave (Sr. G.M.M.), 2nd Floor, CTO Building, Budh Marg, Patna - 800001.

.... Appellant/s

Versus

1. Vijay Kumar Son of Late Ayodhya Prasad, Resident of Mohalla - Golghar Churaha, Patna, P.S. - Kotwali, District - Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Harendra Prasad Singh, Advocate
For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 05-05-2017

Delay of 152 days in filing the appeal is condoned. I.A.

No.3715 of 2016 is allowed.

Challenging an interlocutory order dated 15.10.2015
passed by the learned Writ Court in C.W.J.C. No. 18643 of 2014
allowing I.A. No.822 of 2015 and directing for grant of benefit under
Section 17B of the Industrial Disputes Act, 1947 to the respondent



workman, this appeal has been filed by the employer Bharat Sanchar Nigam Limited.

Primarily, the ground canvassed is that as the workman in the counter affidavit do not raise any plea or assertion to say that he is not gainfully employed in any establishment, the direction issued for compliance with Section 17B is unsustainable.

We are not inclined to subscribe to the aforesaid contention of the appellants for the simple reason that even if such assertion is not made in the counter affidavit, in I.A. No.822 of 2015, in para 5 the workman makes an assertion that after his termination and even after passing of the award by the Industrial Tribunal, he is still not gainfully employed anywhere.

That being so, there is compliance with the requirement of Section 17B and in issuing the direction for payment of such daily wages as required by Section 17B, we are of the considered view, the learned Writ Court has not committed any error warranting re-consideration.

The appeal is, therefore, dismissed.

The benefit of Section 17B as directed by the learned Writ Court be granted within a period of 30 days from today along



with arrears from the date the award was passed by the Industrial Tribunal.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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