

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.685 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 3991 of 2011

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1. Mahesh Kumar son of Late Lalchand Ram Resident of Mohalla- Digha Ghat, Post Office Road, Ambedkar Colony, District- Patna
 2. Rajesh Kumar son of Late Mehgu Lal, Resident of Company Bagh, Danapur Cant, P.S.- Danapur, District- Patna
 3. Manoj Kumar Paswan Son of Sri Lakshmi Paswan Resident of Mohalla - Danapur, Dabi Lane, Tara Chowk, District - Patna
 4. Nawal Paswan son of Sri Kushan Paswan, Resident of Village- Alwalpur, Manor, Punpun, District- Patna
 5. Ashok Ram son of Late Ramji Ram Resident of Purani Pani Tanki, Bihar Veterinary College, District- Patna
 6. Ranjit Ram son of Late Dilkhan Ram, Resident of Purani Pani Tanki, Bihar Veterinary College, District- Patna
 7. Sikander Kumar son of Sri Anup Lal Ram, Resident of Purani Pani Tanki, Bihar Veterinary College, District- Patna
 8. Vijay Kumar son of Sri Dineshwar Ram resident of Hawaii Adda Road, Balu Khadha, District- Patna
 9. Bablu Kumar son of Late Jagdish Ram, Resident of Macdonald Road Chief Post Master General Quarter, P.O. G.P.O., P.S. Sachiwalay, District- Patna
 10. Guddu Kumar son of Late Ram Prasad Ram Resident of Kath Pool, Dakshni Mandiri, P.S. Budha Colony, P.O. G.P.O., District- Patna
 11. Pappu Kumar son of Late Harendra Ram Resident of Choudhary Tola, Rajabazar, P.S. Shastri Nagar, District- Patna
 12. Vijay Ram son of Late Sonu Ram Resident of Digha Ghat, Post Office Road, Ambedkar Colony, P.S.- Digha, District- Patna
 13. Om Lata Devi wife of Sri Akal Mahton Resident of B.V.C. College Near Airport, District- Patna
 14. Shyam Ram son of Late Baldev Ram, Resident of Purani Pani Tanki, B.V.C. College, District- Patna

.... Writ Petitioners - Appellants

Versus

1. The Union of India through the Secretary Department of Civil Aviation, A Wing, Janpath Bhawan, Janpath, New Delhi
2. Secretary, Ministry of Civil Aviation, Government of India, A- Wing, Janpath Bhawan, Janpath, New Delhi
3. Airport Authority of India, Airport Division, I.G.I. Airport, New Delhi through its Director
4. Director, Jai Prakash Narayan International Airport, Patna
5. Incharge Director, Airport Authority, Patna Airport, Patna
6. Assistant Director, Department of Personnel and Administration, Jai Prakash Narayan International Airport, Patna Respondents – Respondents
7. Ajay Kumar son of Late Sri Dineshwar Ram, Resident of Hawaii Adda More, Balu Khadha, District- Patna
8. Urmila Devi wife of Sri Dineshwar Ram, Resident of Hawaii Adda More, Balu Khadha, District- Patna

.... Writ petitioners - Proforma Respondents

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Appearance:



For the Appellant/s : Mr. Y.V. Giri, Sr. Advocate &
Mr. Ashish Giri, Advocate.

For the Respondent no.1 : Mr. Kanak Verma, CGC.

For the Airport Authority of India: Dr. Pankaj, Advocate.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 25-04-2017

After making submissions at length and also submitting a written submission when it was indicated by this Court that this is a case where the petitioners can take recourse to the remedy available to them under the Industrial Law, for getting the dispute adjudicated by an appropriate forum as disputes on facts will have to be gone into, and the rights under the Contract Labour (Regulation and Abolition) Act, 1956 crystallized by an enquiry with regard to various factual aspects of the matter, while can be done more appropriately by the Labour Court or an Industrial Tribunal, Sri Y.V. Giri, learned senior counsel, in all fairness accepted our suggestion and said that liberty to the petitioners may be granted to avail the remedy under the Industrial Labour Law.

We appreciate the gesture shown and the matter is permitted to be withdrawn with liberty to the petitioners to raise the dispute before the Labour Court or the Industrial Court, as the case may be, and while dealing with the matter / dispute, the Labour Court



or the Industrial Court, as the case maybe, shall not be carried away or influenced by the order passed by the learned Writ Court in CWJC No. 3991 of 2011, and while taking note of the same the industrial dispute be decided by the Labour Court or the Industrial Court, as the case may be, based on the materials that may come on record. That apart, the Labour Court or the Industrial Court, as the case may be, shall decide the dispute in accordance with law after hearing all concerned within three months from the date the dispute is raised by the petitioners before the appropriate Labour Court or the Industrial Court, as the case may be.

With the aforesaid liberty to the petitioners, the appeal is disposed of as withdrawn.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
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