

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1897 of 2015

In

Civil Writ Jurisdiction Case No.14174 of 2013

India Tobacco Staff Workers Union Through Its President Sri Garib Das @
Garib Das Sah Son Of Late Dhunni Sao Resident Of Mohalla - Lal Darwaza,
Police Station - Kotwali, District - Munger

... .. Appellant/s

Versus

1. The State Of Bihar, Trough The Secretary, Labour And Employment, Bihar, Patna.
2. M/S I.T.C. Limited, Munger
3. The Presiding Officer Of Labour Court, Bhagalpur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Tewary

For the Respondent/s : Mr. GP14- M.K. AMBASTHA

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 07-09-2017 The impugned order dated 21.07.2015, which is appealed against, does not suffer from any infirmity either in law or on facts. The learned single Judge has rightly held in the following terms, which states the correct position of law :

Learned counsel for the petitioner has argued that the case was filed for computation of wages of the members of the union and as such, in terms of Section 33 (c) (2) of the Act, it was required to be adjudicated by the Labour Court.

The Court is of the opinion that power under Section 33(c) (2) of the Act is



required to be invoked for the purposes of enforcement of an award or settlement in between the parties. Primarily, this power is to be exercised as execution court, not for deciding the issue. This issue has already been set at rest by the Apex Court in number of cases, particularly; in a case reported in (1995) 1 Supreme Court Cases 235 (Municipal Corporation of Delhi –vs.- Ganesh Razak and Another).

Appeal is dismissed being devoid of merit.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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