

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31128 of 2013

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D S Verma, the then Zonal Manager, Punjab National Bank, Zonal Office, Pankaj Market, Saraiyaganj, Muzaffarpur, Bihar, Presently Posted As Dy. General Manager, Punjab National Bank, Transaction Banking Division, Parliament Street, New Delhi.

.... Petitioner

Versus

1. The Union of India, through the Chief Labour Commissioner, Govt. Of India, Ministry of Labour, New Delhi.
2. The Labour Enforcement Officer (Central), Patna- II/ In Charge Of LEO(C), Bhagalpur.

.... Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Raj Nandan Prasad, Advocate.
For the Union of India	:	Mr. S.D. Sanjay, Addl. Solicitor General
		Mr. Ravindra Kumar Sharms, CGC
For the State	:	Mr. Jharkhandi Upadhyay, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL JUDGMENT

Date: 25-01-2017

Heard learned counsel for the Petitioner, learned
counsel for the Union of India and the State.

2. The Petitioner seeks quashing of the order dated 13.8.2008 passed by the learned Chief Judicial Magistrate, Bhagalpur in Public Servant Case No. 73 of 2008 (Trial No. 2391 of 2008) for non implementation of the Award dated 3.4.2007 passed in Reference Case No. 6(C) of 2006 by which the learned Magistrate has taken cognizance against the petitioner for the offence under Section 29 of the Industrial Disputes Act, 1947.

3. It has been submitted on behalf of the petitioner that



he was the Zonal Manager of Punjab National Bank, Zonal Office, Pankaj Market, Saraiyaganj, Muzaffarpur. It has further been submitted that maximum punishment for the offence under Section 29 of the Industrial Disputes Act is six months and the cognizance has been taken after one year which is barred by the provisions of Section 468 Cr. P.C. Further submission is that the impugned order dated 13.8.2004 was challenged by the Bank vide C.W.J.C. No.9373 of 2007 in this Court which was dismissed, vide order dated 29.8.2012. Thereafter, the Bank has filed L.P.A. No. 1339 of 2014 and by order dated 29.4.2015, the same has been admitted and award in Reference Case No. 6(C) of 2005 by the Industrial Tribunal, Patna, has been stayed.

4. Mr. Ravindra Kumar Sharma, learned counsel for the Union of India has appeared. He has submitted that there is no illegality in the impugned order.

5. From perusal of the impugned order, this Court finds that cognizance has been taken against the petitioner on 13.8.2008. The complaint was filed for non-implementation of Award dated 3.4.2007, passed in Reference Case No. 6(C) of 2006. It is admitted fact that the petitioner at the relevant time was the Zonal Manager of Punjab National Bank, Zonal Office, Pankaj Market, Saraiyaganj, Muzaffarpur. It is also admitted fact that the Award



passed in Reference Case No. 6(C) of 2006 was challenged by the Bank in C.W.J.C. No.9373 of 2007 which was dismissed by this Court by order dated 29.8.2012. Thereafter, the Bank has filed L.P.A. No. 1339 of 2014 which has been admitted and Award passed in the aforesaid Reference Case has been stayed.

6. In such circumstances, this Court is of the view that the impugned order passed by the learned court below, is improper and suffers from illegality.

7. Accordingly, the Proceedings including the order dated 13.8.2008 passed by the learned Chief Judicial Magistrate, Bhagalpur in Public Servant Case No. 73 of 2008 (Trial No. 2391 of 2008) for non implementation of the Award dated 3.4.2007 passed in Reference Case No. 6(C) of 2006, is hereby, quashed.

8. The application stands allowed.

(Sanjay Priya, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01.02.2017
Transmission Date	01.02.2017

