

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1500 of 2015

In

Civil Writ Jurisdiction Case No.2066 of 2013

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Ram Bharosa Singh S/o Sri Rajnath Singh Resident of Village- Bikrampur,
P.O.- Manodihari (Now Kamariaon), Police Station- Tiyar, District- Bhojpur.

... .. Appellant/s

Versus

1. The Bihar State Sugar Corporation Ltd. through its Managing Director, Bihar State Sugar Corporation Ltd. Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna 800023, (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna).
2. Sri. A. M. Singh Kuntia, the Chief of Administration, Bihar State Sugar Corporation Ltd, Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna 800023, (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna).
3. The General Manager, Bihar State Sugar Corporation Ltd, Unit New Savan, District Siwan.
4. The General Manager, Bihar State Sugar Corporation Ltd, Unit Hathua, P.O.- Mirganj, District Gopalganj.
5. Sri Rajendra Prasad, Assistant Manager (Personal), Bihar Sugar Corporation Ltd., Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna 800023 , (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna).
6. Sri Kamlesh Chandra Verma, Assistant, Bihar State Sugar Corporation Ltd., Ram Tahal Bhawan, Baldeo Bhawan Path, Punaichak, Patna 800023, (Now Arunalaya, Ramjayapal Nagar, Bailey Road, Patna).
7. Sri Arvind Kumar Singh, Daily Rated Typist, Bihar State Sugar Corporation Ltd. Unit- New Savan, District- Siwan.

... .. Respondent/s

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Appearance :

For the Appellant : Mr. Jitendra Prasad Singh, Advocate
For the Respondents : Mr. Gyan Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 24-08-2017

Heard learned counsel for the appellant and learned counsel
appearing on behalf of Bihar State Sugar Corporation Limited.



The original writ petitioner is in appeal before us. He is aggrieved by the order dated 21.07.2015 passed by a learned single Judge of this Court in C.W.J.C. No. 2066 of 2013, by which the learned single Judge has been pleased to dismiss the writ application in view of the materials available on record. The learned single Judge noticed that the petitioner had moved the Presiding Officer, Labour Court, Patna, in Misc. Case No. 20 of 1997, for enforcement of a disputed claim and, therefore, the learned Presiding Officer, Labour Court, was well within his jurisdiction to reject the application so filed by the petitioner.

Learned counsel for the appellant before us has once again taken us to the impugned order Annexure-7 to the writ application, which is dated 05.11.2012 passed by the Presiding Officer, Labour Court, Patna. His submission is that the Presiding Officer has erred by rejecting his application holding it not maintainable under Section 33-C (2) of the Industrial Dispute Act, 1947. According to the learned counsel, the Presiding Officer could not appreciate that the claim of the applicant was an admitted claim as it was evident from Annexure-3 to the writ application.

On the other hand learned counsel for the Sugar Corporation has opposed the appeal submitting that in fact no illegality or infirmity may be found either with the order passed by the



Presiding Officer, Labour Court, Patna, or with the impugned order rejecting the writ application of the present appellant by the learned single Judge. According to learned counsel for the Corporation, the Presiding Officer has rightly taken note of the fact that the claim of the applicant was based on the recommendation of the Sugar Wage Board, where the very basis of the claim or the entitlement of the workman to a certain benefit is in dispute. He would further point out that in fact in an earlier round of litigation also the workman of the Sugar Corporation has failed to establish the claim up to Letters Patent Appeal before this Court.

We have heard learned counsel for the parties and perused the records. The learned Presiding Officer, Labour Court, has rightly refused to exercise jurisdiction under Section 33-C (2) of the Industrial Dispute Act, 1947, because it was not a case of the petitioner for computation of dues which was not paid by the Corporation, rather as per his own case in terms of Annexure-3 his claim is payable.

In the opinion of this Court, if it is so, then the remedy does not lie under Section 33-C (2) of the Industrial Dispute Act, 1947. The claim has to be pursued only in accordance with law either by getting an adjudication through a competent Court/forum or in



case the same is adjudicated and is admitted one then in case of inability of the Corporation to pay, the appellant may have his remedy under the provisions of the Companies Act/Insolvency Code. We do not find any illegality or infirmity with the impugned orders.

The Letters Patent Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
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