

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2297 of 2016
IN
Civil Writ Jurisdiction Case No. 1036 of 2015**

=====

1. The Management of Girls High School, Dalmianagar, through its Principal namely Mrs. Sarwani Mukherjee Wife of Nagendra Ojha resident of Mohalla - New Delia, P.S. Dehri on Sone District Rohtas

.... Appellant/s

Versus

1. The Presiding officer Labour Court, Dalmianagar, District Rohtas
2. Miss. Jyoti Sinha Daughter of Mahesh Prasad Sinha resident of Quarter No.14, Dalmianagar Colony, P.O. Dalmia Nagar, P.S. Dehri - On - Sone District Rohtas

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. V.N. Sahay, Advocate
Mr. Arun Srivastava, Advocate
For private Respondent : Ms. Mukul Kumari, Advocate

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 11-07-2017

Challenge in this Letters Patent Appeal under Clause 10 of the Letters Patent is made to an interlocutory order dated 16.11.2016 passed by the learned Writ Court in C.W.J.C. No.1036 of 2015.

The Presiding Officer, Labour Court, Dalmianagar, Rohtas in Reference Case No.09 of 2000 passed an award on 24.10.2014 in favour of the respondent employee directing for his reinstatement with back wages on account of the fact that his removal amounts to retrenchment and the same having been done without following the mandatory provisions of Industrial Disputes



Act is illegal.

Challenging the award, the writ petition was filed by the employer and during the pendency of the writ petition, an application, interlocutory in nature, bearing I.A. No.9744 of 2015 filed by the respondent workman claiming benefit under Section 17B of the Industrial Disputes Act has been allowed and challenging this interlocutory order allowing the benefit, the appeal has been filed.

Once the award is challenged before the higher Court and there is an award for reinstatement of the employee, Section 17B mandates certain benefit to be granted to the workman during the pendency of the writ petition and the learned Writ Court only having granted the statutory benefit available to the workman in accordance with the Industrial Disputes Act, we see no reason to make any indulgence.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	18.7.2017
Transmission Date	N/A

