

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3548 of 1998

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M/S Ashok Parikh, General Manager Marketing, Torrent Pharmaceuticals Ltd.,
Ashram Road, Ahmedabad.

.... Petitioner/s

Versus

1. The Presiding Officer, Labour Court, Bhagalpur
2. Sri Priya Ranjan Srivastava, son of Sri Rameshwarnath Srivastava, resident of Ram Bhawan, Pathanpari, Motihari, East Champaran, at present residing at Adampur, Barari, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rohitabh Das, Adv.

For the State : Mr. Dev Kumar Pandey, A.C. to GP-2

For the Respondent No.2 : Mr. K. N. Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 01-02-2018

This writ petition under Article 226 of the Constitution of India has been filed by the petitioner for quashing the ex-parte order dated 06.02.1996 passed by the learned Presiding Officer, Labour Court, Bhagalpur in Misc. Case No.1 of 1995 by which he has directed for reinstatement of the respondent no.2 with back wages for not complying with the provisions of Section 33 of the Industrial Disputes Act, 1947 (for short 'I.D. Act') because the petitioner had not obtained approval from the Labour Court, Bhagalpur before dismissing the respondent no.2 during pendency of the proceeding in Misc. Case No.13 of 1995 under Section 33C(2) of the I.D. Act. The petitioner has also prayed for quashing the order dated 15.12.1997 passed by the Labour Court, Bhagalpur in Misc. Case No.1 of 1996



whereby he refused to set aside the ex-parte order dated 06.02.1996 passed in Misc. Case No.1 of 1995.

2. It is submitted by the learned counsel for the petitioner that no notice was ever served to the petitioner regarding the proceeding pending before the Labour Court and when the petitioner raised objection about not receiving the notice, the Labour Court refused to set aside the ex-parte order. In order to support his contention that notice was never served on the contesting respondent, he has drawn my attention to the order-sheet of the Labour Court, as contained in Annexure-3 to the present writ petition.

3. It would be manifest from perusal of the order-sheet of the Labour Court that on 15.05.1995 notice was ordered to be issued to the respondent in the said proceeding. However, the subsequent orders passed by the Labour Court do not reflect that the notice was ever issued or served upon the respondent pursuant to the order dated 15.05.1995.

4. Mr. K.N. Gupta, learned counsel appearing for the respondent no.2 and Mr. Dev Kumar Pandey, learned counsel appearing for the State concede that from perusal of the order-sheet it does not reflect that notice was either issued to the respondent or was served upon him.

5. As the parties are in agreement that the order has been



passed by the Labour Court without giving any opportunity of being heard to the petitioner, the impugned orders cannot be sustained.

6. Accordingly, the impugned orders dated 06.02.1996 and 15.12.1997 passed by the Labour Court, Bhagalpur in Misc. Case No.1 of 1995 and Misc. Case No.1 of 1996 respectively are set aside. The matter is remitted back to the Labour Court, Bhagalpur for hearing the parties afresh and adjudicating the matter in accordance with law.

7. Since the issue raised is quite old, it is expected that the Labour Court would dispose of the same expeditiously after giving opportunity of hearing both on points of law and facts to both the parties.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02-02-2018
Transmission Date	

