

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8157 of 2014

=====

1. Brajesh Kumar Singh son of late Laxman Prasad Singh resident of village - Pratappur, P.S. Karza, District - Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Department of Labour, Govt. of Bihar, Patna

2. The Labour Commissioner, Department of Labour, New Secretariat, Bihar, Patna

3. The Presiding Officer, Labour Court, Muzaffarpur

4. Bharat Prasad Singh son of late Rijhan Singh resident of village - Karza, P.S. Karza, District - Muzaffarpur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajit Kumar

For the Respondent/s : Mr. Gautam Bose

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

6 27-06-2018 By way of filing the instant writ petition the petitioner has challenged the order dated 14.09.2012 passed by the learned Presiding Officer, Labour Court, Muzaffarpur in Misc. Case No. 07 of 1998 whereby he has dismissed the claim application of the petitioner filed under Section 33C(2) of the Industrial Disputes Act, 1947 (for short 'I.D. Act') for determination and computation of his due wages along with interest and compensation to the tune of Rs.93,466.66.

Learned Labour Court has held that the claim of the petitioner is not based on the ground of any settlement, decree or award and, thus, the petition under Section 33C(2) of the I.D. Act is not maintainable.



It is well settled law that since the proceeding under Section 33C(2) of the I.D. Act is analogous to execution proceeding under the aforestated provision, the Labour Court cannot make an investigation with a view to decide a right in absence of any existing right. It is clear that the case of the petitioner is not based on the ground of any settlement, decree or award. Learned counsel for the petitioner has also admitted in course of argument that the legal position is well defined and adjudication of claim of the petitioner is not permissible under Section 33C(2) of the I.D. Act.

In that view of the matter, no relief can be granted to the petitioner. The writ petitioner is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

U			
---	--	--	--

