

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9665 of 2014

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M/s UBS Publisher's Distributors Pvt. Ltd, Anpurna Complex Ground Floor, Naya Tola, Patna- 800004 through its Sr. Accounts Manager, P.S- Pirbihore, Distt- Patna.
..... Petitioner

Versus

1. The State of Bihar through the Secretary, Labour and Employment, New Secretariat, Patna-1
2. Secretary, Department of Labour and Employment, New Secretariat, Patna-1
3. Labour Commissioner, Bihar, Patna, New Secretariat, Patna-1
4. Deputy Labour Commissioner, New Secretariat, Patna-1
5. Joint Labour Commissioner, Department of Labour and Employment, New Secretariate, Patna-1
6. Labour Superintendent, Labour department, New Punaichak, Patna.
7. Raj Kumar Jha, S/o Sri Sushil Jha, Vasistha Vihar, Harni Chak, Anisabad, Patna 800002.

..... Respondents

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Appearance :

For the Petitioner : Mr. Arun Shrivastava, Advocate

For the Respondent No.7 : Mr. Anuj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 17-07-2018

A vague prayer has been made in the writ petition questioning the initiation of a proceeding by the Joint Labour Commissioner on the instruction of Labour Commissioner by which it has been proposed to transfer Reference Case No. 22/2001 pending in the Labour Court, Patna to Industrial Tribunal, Bihar.

2. The contention of the petitioner is that the initiation of the proceeding is bad in law as a proceeding from a Labour Court



cannot be transferred to the Industrial Tribunal in view of the provisions prescribed under Section 33-B of the Industrial Disputes Act, 1947 (for short 'the Act').

3. On the other hand, learned counsel appearing for the respondent-workman submitted that the prayer made in the writ petition is not only vague, but the same is worthy to be rejected on the ground that the transfer of Reference Case No. 22 of 2001 has already been completed and the order of the Labour Commissioner transferring the case is not under challenge before this Court. He submitted that in the proceeding pending before the Industrial Tribunal, the petitioner has already participated and he has entered into negotiation for compromise. He further contended that from a reading of Section 33-B of the Act, it would be manifest that there is no fetter on the power of the Government for transferring any proceeding from the Labour Court to the Industrial Tribunal after withdrawing the proceeding from the Labour Court.

4. I have heard learned counsel for the parties and carefully perused the record.

5. Apparently, the prayer of the petitioner in the writ petition is quite vague. The fact that the reference case has already been transferred by the order passed under Section 33-B of the Act vide order dated 20.06.2014 passed by the State Government has not



been disputed by the petitioner. The petitioner has not assailed the aforestated order dated 20.06.2014.

6. In that view of the matter, I find substance in the contentions advanced by the learned counsel appearing for the respondent-workman. From a plain reading of Section 33-B of the Act, it would be manifest that the appropriate government has been conferred with the power to withdraw any proceeding pending under the Act before the Labour Court, Tribunal or National Tribunal to transfer the same to another Labour Court, Tribunal or National Tribunal, as the case may be, for disposal of the proceeding and the Labour Court, Tribunal or National Tribunal to which the proceeding is so transferred may proceed with the case either de novo or from the stage at which it is so transferred.

7. In that view of the matter, I see no merit in this writ petition. It is dismissed, accordingly.

(Ashwani Kumar Singh, J.)

Sanjeet/Sneha

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.07.2018
Transmission Date	NA

