

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1464 of 2019

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Birendra Thakur S/o Khelawan Thakur, Resident of ward No.10,
Anandpur,P.S. and Distt.-Muzaffarpur (Bihar)-843126.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Labour Department
2. The Department learned Labour Court, Muzaffarpur
3. Shri Amarnath Prasad S/o Late Ram Jiwan Sah, Resident of Village-Basaith,
P.S. Saraiya, Distt.-Muzaffarpur.
4. National Insurance Co. Ltd., through its' Divisional Manager, Divisional
Office at Motijheel, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Jyoti Prakesh, Adv.
For the State	:	Ratna Kumari, Adv.
For the respondents	:	Mr. Ashok Priyadas, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 25-02-2019 Heard learned counsel for the petitioner and the

learned counsel for the State.

In this case, the petitioner is challenging the order passed in W.C. Case No. 02 of 2001, which has been rejected by the Labour Court on the plea that the petitioner will not come under the purview of dependent, at the same time, the learned counsel for the Insurance Company has raised the point of maintainability of the petition on the ground that as per section 30 the Employees Compensation Act, the appeal would lie, when there is an alternative remedy, instead of approaching the Appellate Authority, the petitioner has filed the present application, which is not maintainable.



After some argument, the learned counsel for the petitioner makes a prayer to withdraw this application with a liberty to approach the appropriate forum.

Accordingly, this application is dismissed as withdrawn with the aforesaid liberty, if the petitioner so advised may take legal recourse as available in law.

(Shivaji Pandey, J)

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