

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3780 of 2016

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Binod Kumar Pankaj, Son of Sri Ram Lakhan Prasad, Resident of Mohalla-
Udrahmapur, PO- Jhauganj, PS- Mehendi Ganj, District- Patnam

... .. Petitioner/s

Versus

1. The Bank of Baroda through its General Manager, Zonal Office, 6th Floor,
Anand Vihar West Boring Canal Road, Patna
2. The Assistant General Manager cum Disciplinary Authority, Bank of Baroda
Regional Office, 3rd Floor, Anand Vihar West Boring Canal Road, Patna
3. The Deputy General Manager, Bank of Baroda Regional Office, 3rd Floor,
Anand Vihar West Boring Canal Road, Patna
4. The Branch Manager, Bank of Baroda, Barhuli Branch, District Kaimur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhakar Singh, Advocate Mr. Rakesh Mohan Singh, Advocate
For the Respondent/s	:	Mr. Sanjeev Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 20-08-2019 Heard learned counsel for the parties.

At the very outset, a preliminary objection has been raised on behalf of respondent-Bank of Baroda to the effect that the petitioner being a workman within the meaning of Industrial Disputes Act, 1947 (hereinafter referred to as 'the Act') and he has a remedy before the Assistant Labour Commissioner (Central) against the impugned action of the Bank, this writ application may not be maintained.

Learned counsel for the petitioner does not dispute the legal position that the petitioner is a workman. He also does not



dispute the fact that the petitioner has a remedy before the competent authority under the Act. He has, however, submitted that availability of alternative remedy itself cannot be a bar in exercise of jurisdiction under Article 226 of the Constitution of India.

Since the petitioner has statutory alternative remedy under the Act, I am not inclined to entertain this writ application, which is disposed of with observation that the petitioner shall have the liberty to approach the appropriate forum in accordance with law by making appropriate application. It is indicated that if any question of limitation arises before the authority under the Act, the competent authority/ court shall keep in mind that the petitioner was pursuing his remedy before this Court by filing writ application and consider condonation of delay, if any, accordingly.

(Chakradhari Sharan Singh, J)

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