

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4979 of 2014

=====

Security and Intelligence Service India Ltd. Nisant Agency Near Capital Tower, Fraser Road, Patna through its Assistant General Manager (L.S.M.) , B.S. Srivastava, Son of Late L. Sharan, permanent resident of Mohalla - Maharaja Hata Katira, Ara, District – Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar, Secretary Labour Department, Bihar, Patna
2. The Presiding Officer, Labour Court, Patna, an Authority under the Bihar Shop's and Establishment Act, 1953
3. Chandra Mohan Mishra Son of Late Awadh Mishra, resident of village - Jafra, P.S. Naubatpur, District – Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Adv.

For the Respondent/s : M/s Alok Kr. Sinha and Indrajeet Bhushan, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

4 24-01-2019 Heard learned counsel for the petitioner and the learned counsel for the State.

In this case, the petitioner is challenging the *ex parte* order passed by the Labour Court, Patna in B.S.E. Case No. 08 of 2008.

The learned counsel for the petitioner submits that though the petitioner has appeared, but no proper step was taken by the Management and it has gone *ex parte*, finding has been recorded that the employees, who were engaged by the Management, have orally been terminated from service without following the provision of Section 26 of the Act.

Without going into the merit of the case, the order



dated 30th April 2013 passed in B.S.E. Case No. 08 of 2008 is set aside and case is remanded back and the Management will have liberty if so like to participate in the evidence, but whatever the evidence either in the nature of oral or documentary will be treated to be a valid piece of evidence and the Management if so like may bring the evidence either oral or documentary and the Management will have also liberty to cross-examine the witnesses who have already been examined by the employees side and vice versa the Management will have also liberty to examine the witnesses and the employees will have to liberty to cross-examine the witnesses and the Labour Court without unnecessary delay would complete the entire process and pass the order preferably within a period of six months from the date of receipt of the order. Parties are directed to remain present before the Labour Court, Patna and file their respective attendance in Case No.B.S.E. Case No. 08 of 2008 on 25/2/2019. If the Management would fail to participate in the proceeding, the Labour Court will have liberty to proceed with the case in accordance with law. As the case is being remanded back, let the petitioner must deposit Rs.10,000/- as litigation cost as condition precedent in the Labour Court, Patna, in turn, the Labour Court would give the money to the employees.



Accordingly this application is disposed of.

(Shivaji Pandey, J)

mkchy/-

U			
---	--	--	--

