

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10186 of 2016

=====

Hitchandra Jha, President, N. & P. Karmchari Union, Patna, S/o Late Vishwambhar Jha, Resident of 3/36, Weaker Section, Lohia Nagar, P.S. - Kankarbagh, District – Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Labour, Patna, Bihar
3. The Deputy Labour Secretary, Department of Labour, Patna, Bihar
4. Patliputra Builders Pvt. Ltd., Maharaja Kameshwar Complex, Frazer Road, Patna through its Director
5. The Newspapers and Publications Limited, Frazer Road, Patna through its Director-in-Charge, Anil Nandan Singh S/o Late Tuleshwar Singh, Resident of Mohalla - Subhankarpur Deorhi, P.S. - L.N.M.U. Darbhanga, District - Darbhanga

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Bimal Kumar Jha

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 06-03-2019

In the present case, the petitioner is covered under the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (herein after referred to as “Working Journalists Act”), was employed in the Newspapers and Publications Limited. On closure of the Newspapers and Publications Limited, certain amounts which are outstanding, was recognised by the company showing the amount to be paid to the working journalists. The petitioner has approached the Government to issue direction for payment of salary, but instead of giving a positive direction, the Deputy



Secretary-cum-Competent Authority, vide order dated 16.12.2014, has directed the Labour Department to refer the issue of entitlement of salary under the power of section 17 (2) of the Working Journalists Act.

The counsel for the petitioner submits that there is an agreement between the Union and Newspapers and Publications Limited as well as Patliputra Builders Private Limited for payment of money showing outstanding dues against the Newspapers and Publications Limited and, as such, the Deputy Secretary-cum-Competent Authority was required to issue the certificate for realisation of the amount against Patliputra Builders Private Limited as well as Newspapers and Publications Limited, instead of passing order for issuance of certificate, the order has been passed for reference. The section 17 of the Working Journalists Act provides that if the State Government or such authority is satisfied that any amount is so due, it shall issue a certificate of that amount to the Collector and the Collector shall proceed to recover that amount in the same manner as an arrear of land revenue and section 17 (2) provides that if any question arises as to the amount due under this Act to a newspaper employee from his employer, the State Govt. may, on its own motion or upon application made to it, refer the question to any Labour Court constituted by its under



the Industrial Disputes Act, 1947 (14 of 1947), or under any corresponding law and the Labour Court would answer the question referred for adjudication. The formulation of provision 17 (1) itself reflects that the certificate will be issued when the State Government or its authorized officer is satisfied about the amount which the petitioner is entitled to. In the event of some issue is to be answered, the authority is of the view that the entitlement of the amount is to be verified, in such circumstance, the power has to be exercised under section 17 (2) of the Working Journalists Act. As it appears that there are three parties to the agreement, the petitioner if he wants enforcement of the agreement, he will have liberty to approach the Civil Court of competent jurisdiction but if the petitioner wants that the issue should be settled in terms of Working Journalists Act, in such circumstance, this Court is of the view that the Deputy Secretary-cum-Authority Officer has rightly taken decision to refer the matter to the Labour Court for adjudication, but it is informed to this Court, even after the order was passed on 16.12.2014 but no substantive or positive action has been taken by the Government or its officer to refer the dispute for adjudication.

In such view of the matter, this Court is of the view that they should take a proper action in making reference to the



Labour Court for deciding the entitlement of the amount as claimed by petitioner employed in the Newspapers and Publications Limited.

Accordingly, this application is disposed of.

(Shivaji Pandey, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12/03/2019
Transmission Date	N/A

