

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19289 of 2016

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M/s Hindustan Coca Cola Beverage Pvt. Ltd. having its registered office at B-91, Mayapuri Industrial Area, Phase-1, New Delhi 110064 and having a Bottling Plant at E-1, Industrial Area, Patliputra, Patna-800013, through the Zonal Legal Head Mr. Soumya Banerjee.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Department of Labour
2. Abhishek Priyadarshi S/o Sri K.M. Prasad, resident of Opposite Old Post Office, Punaichak, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Chitranjan Sinha, Sr. Adv.
For the Respondent/s : Mr. Sudish Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 07-01-2019

Heard learned counsel for the petitioner and the learned counsel for the State.

2. In this case the petitioner is challenging the order of the Labour Court whereby and whereunder the Labour Court has held that as per order of the Hon'ble Court he will decide all the issues after collecting evidence.

3. The matter is against the termination of service of the employees of the petitioner. The petitioner has challenged the maintainability of the reference on the issue that the persons, who involved in the reference, are not workmen under section 2 (s) of the Industrial Dispute Act. For deciding the issue, the Labour Court will have to take evidence on the nature of work done by the workmen. If a person has been designated to a post, will not be a deciding factor for adjudication of the issue of the status of the person as to whether he is



workman or he is Supervisor or he is a Manager. The only point has been raised that the Labour Court instead of deciding all the issues should confine his adjudication with regard to the maintainability of the reference, concerned to the relationship of employees with the employer, as in the present case different issues will be raised before the Labour Court. Admittedly one of the issues involved before the Labour Court is of relationship of the employee with the employer.

4. Let the Labour Court take evidence on all the issues without wasting time and it is expected that both the parties will cooperate in the early disposal of the reference and they will bring all the evidences in the nature of documentary and oral, the Labour Court would try to complete its adjudication within a period of nine months from the date of receipt/production of a copy of this order, subject to availability of the Presiding Officer, Labour Court. It is expected that while deciding all issues, the Labour Court will also decide the first issue as to relationship.

5. With the above direction this application is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
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