

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18045 of 2019

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Mohan Singh son of Bindeshwari Prasad Singh resident of Mohalla- Anand Nagar Ward No. 27 Bettiah, Police Station- Bettiah Town, District- West Champaran, the Secretary, Bihar State Driver-cum-4th Grade Employees Association having its office at Anand Nagar Ward No. 27, Bettiah, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
3. The Labour Commissioner, Labour Resources Department, Government of Bihar, Patna.
4. The Joint Labour Commissioner, Labour Resources Department, Government of Bihar, Patna.
5. The Deputy Labour Commissioner, Tirhut Division, Muzaffarpur.
6. The Executive Engineer, Rural Works Department, Works Division, Bettiah, District- West Champaran.
7. The Executive Engineer, Rural Works Department, Works Division, Bagaha-1, District- West Champaran.
8. The Executive Engineer, Rural Works Department, Works Division, Motihari, District- East Champaran.
9. The Executive Engineer, Rural Works Department, Works Division, Dhakka, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bashistha Narayan Mishra Mr. Brij Kishor Mishra
For the Respondent/s	:	Mr. Sarvesh Kumar (GP-24) Mr. Anuj Kumar, AC to GP-24

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-09-2019 Heard learned counsel for the parties.

2. The petitioner claims to be the Secretary of Bihar State Driver-cum-4th Grade Employees Association having its office at Bettiah at West Champaran. He has filed this writ



application seeking direction to respondent No.2 for taking a decision on the point of retrenchment of some of the employees, who were working in Rural Works Department as Drivers. It is his case that the Deputy Labour Commissioner, Tirhut Division, Muzaffarpur has already submitted his report under Section 12(4) of the Industrial Disputes Act, 1947 (hereinafter referred to as 'the Code') to the Principal Secretary, Labour Resources Department, Government of Bihar on various dates. According to him, the State of Bihar ought to have considered the report of the Deputy Labour Commissioner for referring the matter to a Board.

3. In the facts and circumstances of the case, this application is disposed of with an observation that let a decision be taken by the appropriate Government which is State Government in the present case as stipulated under sub-section (4) of Section 12 of the Act within a period of three months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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