

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.691 of 2017

In

Civil Writ Jurisdiction Case No.17124 of 2012

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Sri Uma Shankar Ram Son of Sri Lalji Ram , Ex Staff Clerk Bank of India
Resident of Village- Bharhria, Post Office- Deohalia, Police Station Ramgarh,
District- RohtasSasaram.

... .. Appellant/s

Versus

1. The Bank Of India Through The Chairman And Managing Director and Ors
2. The Zonal Manager Bank of India having his office at Zonal Office Chnaknya Tower, Birchand Patel Mar
3. The Union of India through the Secretary Ministry of Labour and Employment , New Delhi.
4. The Chief Labour Commissioner (Central) New Delhi.
5. The Assistant Director, I.R. (IMPI), Ministry of Labour and Employment, New Delhi.
6. The Regional Labour Commissioner (Central), Patna, Bihar.
7. The Assistant Labour Commissioner (Central) Ministry of Labour, Government of India, Maurya Lok Complex, Block-A, 2nd Floor, Dak Banglow, Patna, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Birendra Kumar Jha, Advocate.

For the Respondent/s : Mr. Rupak Kumar, Advocate. Soc. Gen.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 13-12-2019 We notice that on 28.02.2017, the writ court passed
the following order:

“At the outset, learned counsel for the private
respondent no. 6 raised a preliminary objection that
the petitioner has filed the present writ application
only under Article 226 of the Constitution of India



and hence the application would not be maintainable. He submitted that the challenge in the present writ application is to the order of award passed by the Presiding Officer of the Central Government Industrial Tribunal which can only be seen by this Court under Article 227 of the Constitution of India.

On such objection having been raised by the learned counsel for the private respondent no. 6, learned counsel for the petitioner submitted that he may be permitted to add the provision of Article 227 of the Constitution of India in the cause title of the present application.

Leave is granted. Let the amendment be made in the course of the day.

The petitioner must deposit the required court fee by tomorrow.

Put up the matter under the same heading on 2nd March, 2017.”

The writ petition, registered under Article 227 of the Constitution of India, was disposed of by impugned judgment dated 06.03.2017, which is the subject matter of this appeal.

Learned counsel for the appellant herein (respondent in the writ petition) has rightly raised the objection with regard to maintainability of the present appeal in view of the law laid down by the Hon’ble Apex Court in ***Shah Babulal Khimji v. Jayaben D. Kania & Anr.; (1981) 4 SCC 8.***

As such, we do not find the present appeal to be



maintainable and dispose of the same on the ground of non-maintainability, leaving it open for the appellant herein to seek appropriate remedy in accordance with law.

(Sanjay Karol, CJ)

(Anil Kumar Upadhyay, J)

sujit/-

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