

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3086 of 2020

1. Sudhanshu Trivedi, son of Sri Uday Chandra Trivedi, resident of At and P.o.- Singhaul, P.s.- Sarmera, District- Nalanda, Pin-811104
2. Neeraj Kumar, son of Sri Shailendra Prasad Advocate, resident of Ram Krishna Nagar, P.o.- New Jaganpura, P.s.- Ramkrishna Nagar, District- Patna-800027

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Department of Energy, Patna
2. The Principal Secretary, Energy Department, Government of Bihar, Patna
3. The Collector, Patna
4. Senior Superintendent of Police, Patna
5. Power Engineering Services Association through its General Secretary, Sri Surendra Kumar
6. Bihar State Electricity Supply Workers Union through its General Secretary sri Chakradhar Prasad Singh
7. Junior Engineering Service Association, through its General Secretary, Upendra Kumar Chaudhary
8. Bihar Bijli Mazdoor Union through its General Secretary, Sri Arjun Prasad Yadav
9. BSEB Administrative Service, through its General Secretary Sri Satrugan Kumar Suman
10. Bihar State Power Electricity Workers Union through its General Secretary Sri Dharendra Kumar
11. Bihar Vidyut Takniki Kamgar Union through its General Secretary Sri Deoki Rai
12. Bihar State Vidyut Sramik Sangh through its General Secretary, Sri Nishikant
13. Bihar State Power (Holding) Co. Ltd. through its Chairman-cum-Managing Director,
14. Bihar State Power Transmission Co. Ltd. through its Managing Director,
15. Bihar State Power Generation Co. Ltd. through its Managing Director,
16. South Bihar Power Distribution Co. Ltd. through its Managing Director,
17. North Bihar Power Distribution Co. Ltd. through its Managing Director,
All have got their offices at Vidyut Bhawan, Jawahar Lal Nehru Marg (Bailey Road), P.S. Kotwali, Patna- 800021

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudhanshu Trivedi (In person)



Mr. Neeraj Kumar (In Person)

For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 11-02-2020

Petitioners have prayed for the following relief:-

“(i) To issue a writ of mandamus and/or passing of an order of restraint against the respondents 2nd set and also against their members represented through the Association of persons and/or registered as Trade Unions represented by the ex-employees of the erstwhile Bihar State Electricity Board and/or the companies mentioned hereinbefore;

(ii) To issue a writ of mandamus commanding the respondents 2nd set, its members who are in the employment of the companies and/or not, be likely to cause adverse effect to public safety, maintenance of public order or for maintenance of services necessary to the life of the community be restrained from going on strike and/or to take such action which is not in consonance with their terms and conditions of service and/or is/are contrary to the interest, right and liberty of other general people;

(iii) To issue other appropriate writ/writs, order/orders, direction/directions to the respondents to maintain the peace, tranquility, public order, public safety and to continue the supply of electrical energy throughout the State of Bihar without causing any hindrance to the essential services”



Petitioners have placed on record an affidavit of service as also communication dated 10th of February, 2020, which is reproduced, in toto, as under:-

“To

The Chairman-cum-Managing Director
Bihar State Power (Holding) Company Ltd.,
Vidyut Bhawan, Patna

Sub:- Postponement of one day token strike scheduled on 6 A.M. of 11th February, 2020 to 06:00 A.M. of 12th February, 2020.

Sir,

We all the workers Unions and Associations of Vidyut Kamgar Padadhikari-Abhiyanta Sanyukt Shangarsh Morcha (Bihar) have jointly decided that the proposed token strike scheduled on 06:00 A.M. of 11th February 2020 to 06:00 A.M. of 12th February 2020 is being postponed in honour of the order passed by Hon'ble High Court, Patna in C.W.J.C. No. 3086 of 2020.

This is for your kind information and necessary action.

Yours faithfully

(Chakradhar Prasad Singh)
General Secretary
Bihar State Electric Supply
Workers Union

(Arjun Prasad Yadav)

(Devki Rai)



General Secretary
Bihar Bijli Mazdoor Union

Gen. Secretary
Bihar Vidyut Takniki Kamgar Union

(Surendra Kumar)
General Secretary PESA

(Dhirendra Kumar)
Bihar State Progressive Electric
Workers Union

(Pravin Kumar) (Nishikant)
President JESA Bihar Pradesh Vidyut Shramik Sangh

(Shatrughna Kr. Suman)
Gen. Secretary
BSE Adm. Service Association

Copy forwarded for information and necessary action:-

Hon'ble Chief Minister, Bihar

Hon'ble Energy Minister, Govt. of India, New Delhi

Hon'ble Energy Minister, Bihar

Hon'ble Minister of Labour Resources, Bihar

Chief Secretary, Bihar

Principal Secretary, Energy Department, Bihar, Patna

Labour Commissioner, Bihar, Patna

(Chakradhar Prasad Singh)
General Secretary
Bihar State Electric Supply
Workers Union"

Shri Surendra Kumar, General Secretary, Power
Engineering Services Association (Bihar), Shri Upendra Kumar
Chaudhary, General Secretary, Junior Engineering Service
Association, Shri Rameshwar Prasad Singh, Working General
Secretary, Bihar State Progressive Electric Workers Union,



Bagachi Bhawan, Patna, Shri Deoki Rai, General Secretary, Bihar Vidyut Takniki Kamgar Union, Shri Nishikant, General Secretary, Bihar State Vidyut Sramik Sangh and Shri Arjun Prasad Yadav, General Secretary, Bihar Bijli Mazdoor Union, who are present in Court, state that they shall not revert on strike and pursue their grievances with the appropriate authorities in accordance with law.

We are sure that as and when any such exercise is undertaken by the employees/their unions, in accordance with law, the appropriate authority shall consider and decide the same expeditiously after affording opportunity of hearing to all concerned.

Petitioners state that the petition be disposed of as having become infructuous.

Ordered accordingly.

(Sanjay Karol, CJ)

(S. Kumar, J)

P.K.P./-Utkarsh

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