

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1116 of 2018

In
Civil Writ Jurisdiction Case No.9665 of 2014

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M/S UBS Publisher's Distributors Pvt. Limited, Anpurna Complex Ground Floor, Naya Tola, Patna-800 004 through its Sr. Accounts Manager, P.S.-Pirbihore.

... .. Appellant/s

Versus

1. The State Of Bihar through the Secretary Labour and Employment, New Secretariat, Patna-1.
2. Secretary, Department of Labour and Employment, New Secretariat, Patna-1.
3. Labour Commissioner, Bihar, Patna, New Secretariat, Patna- 1.
4. Deputy Labour Commissioner, New Secretariat, Patna- 1.
5. Joint Labour Commissioner, Department of Labour and Employment, New Secretariat, Patna- 1.
6. Labour Superintendent, Labour Department, New Punaichak, Patna.
7. Raj Kumar Jha S/o Sri Sushil Jha Vasistha Vihar, Harni Chak, Anisabad Patna- 800002.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Vijoy Nandan Sahay
For the Respondent/s : Mr.

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

(Per: HONOURABLE THE CHIEF JUSTICE)

3 05-03-2020 Being aggrieved by the order dated 17.07.2018, passed by a learned Single Judge in CWJC No. 9665 of 2014, title as M/s UBS Publisher's Distributors Pvt. Ltd. vs. The State of Bihar & Ors., the appellant has preferred the present appeal.

At some stage, all the litigation must come to an end between the employer and the employee.



We notice that by virtue of Section 33-B of the Industrial Disputes Act, 1947, the petition was transferred before the appropriate forum by order dated 20.06.2014. The petitioner, who is an employer, rather than having the matter adjudicated on merits, before the appropriate forum, filed the writ petition which now stands dismissed by impugned order dated 17.07.2018 passed in C.W.J.C. No. 9665 of 2014. The operative portions of the impugned order read as under:-

“5.Apparently, the prayer of the petitioner in the writ petition is quite vague. The fact that the reference case has already been transferred by the order passed under Section 33-B of the Act vide order dated 20.06.2014 passed by the State Government has not been disputed by the petitioner. The petitioner has not assailed the aforestated order dated 20.06.2014.

6. In that view of the matter, I find substance in the contentions advanced by the learned counsel appearing for the respondent-workman. From a plain reading of Section 33-B of the Act, it would be manifest that the appropriate government has been conferred with the power to withdraw any proceeding pending under the Act before the Labour Court, Tribunal or National Tribunal to transfer the same to another Labour Court, Tribunal or National Tribunal, as the case may be, for disposal of the proceeding and the Labour Court, Tribunal or National Tribunal to which the proceeding is so transferred may proceed with the case either de novo or from the stage at which it is so transferred.”



We do not find any illegality in the order as the authority had jurisdiction to transfer the matter and as such the matter stood transferred before the authority having jurisdiction.

As such, the appeal is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

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