

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18078 of 2021

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Omni Life Sciences Private Ltd. through its authorized representative Mr. Sunil Kumar aged about 52 years, Son of Sri Ganga Dhar, Managing Director of the petitioner company, Resident of 8 Shilalekh Duplex, Alkapuri Police Station, District- Vadodara.

... .. Petitioner/s

Versus

1. The State of Bihar through Labour Commissioner, Bihar, Patna.
2. The Presiding Officer, Labour Court, Motihari.
3. Umakant Prasad, son of late Suresh Prasad Singh Resident of Village & Post Sare, P.S. Sare, District- Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jayantia Ray Choudhary, Advocate
		Mr. Binay Kumar, Advocate
For the Respondent/s	:	Mr. Parijat Saurav, AC to AAG-10

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
ORAL JUDGMENT

Date : 20-12-2021

Heard learned counsel for the parties.

2. The petitioner has filed the present writ petition for setting aside the order dated 04.09.2019 passed by the Presiding Officer, Labour Court, Motihari whereby preliminary objection of petitioner that respondent is not entitled to invoke the jurisdiction of the Labour Court has been rejected.

3. According to the learned counsel for the petitioner this is against the ratio of the Judgment of the Hon'ble Supreme Court in the case of H.R. **Adyanthaya and Ors. Vs. Sandoz (India) Ltd. and Ors.**, reported in (1994) 5 SCC 737 and in the



case of **Paritosh Kumar Pal Vs. State of Bihar and Ors.**,
reported in **1984 PLJR 377**.

4. On due consideration of the matter, this Court is of the view that the Labour Court can proceed further and decide all the issues after some evidence is led before it including the issue of maintainability.

5. In such circumstances, the order dated 04.09.2019 passed by the Presiding Officer, Labour Court, Motihari is hereby set aside. The preliminary objection shall not stand in its way.

6. The writ petition is hereby disposed of.

(Rajan Gupta, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.12.2021
Transmission Date	NA

