

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No. 633 of 2021**

**In**

**Civil Writ Jurisdiction Case No. 8607 of 2021**

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1. Sonu Kumar, aged about 33 years, Male Son of Sri Arjun Singh, Village-Madhe, P.O.-Ankorha, P.S.-Badem (OP), District-Aurangabad.
  2. Sujit Kumar, aged about 27 years, Son of Sri Prabal Singh, Resident of Village-Kudwan, P.O.-Ankorha (R.S.), P.S.-Narari Kala Khurd, District-Aurangabad.
  3. Bhushan Kumar Karn, aged about 40 years, Male Son of Prabhu Narayan Lal Karn, Resident of Village and P.O.-Chatra, District-Madhubani.
  4. Ajay Kumar Soni, aged about 36 years, Son of Sri Nand Kumar Prasad, Resident of Mohalla-Srinagar, Thakurbari Road, Near Surya Mandir, P.O., P.S. and District-Aurangabad.
  5. Kunal Kumar Singh, aged about 27 years, Male Son of Sri Lalan Kumar Singh, Resident of Village-Tamsi, P.O.-Narendra Khap, P.S.-Kutumba, District-Aurangabad.
  6. Mukesh Kumar, aged about 33 years, Male Son of Late Sukadev Bhakta, Resident of Village-Kharihaniya, P.O.-R.K. Malahi, P.S.-Paroo, District-Muzaffarpur.
  7. Pramod Kumar, aged about 27 years, Male Son of Jagarnath Bhakta, Resident of Village-Kharihaniya, P.O.-R.K. Malahi, P.S.-Paroo, District-Muzaffarpur.
  8. Dinesh Kumar Pankaj, aged about 47 years, Male Son of Sri Rajpati, Resident of Village-Pipara, P.O.-Mokulpur, P.S.-Mariahu, District-Jaunpur.
  9. Kundan Kumar, aged about 29 years, Male Son of Ashok Prasad, Resident of Village, P.S. and P.O.-Barun, District-Aurangabad.
  10. Uttam Kumar, aged about 26 years, Male Son of Sri Vishwanath Sharma, Resident of Village, P.S. and P.O.-Barun, District-Aurangabad.
  11. Vijay Kumar, aged about 31years, Male Son of Sri Shambhu Saran Sah, Resident of Village-Shivanpur, P.O.-Ankorha, P.S.-Badem (OP), District-Aurangabad.
  12. Santosh Kumar, aged about 33 years, Male Son of Raghav Prasad, Resident of Village-Beni Bigha, P.O.-Saduri Karma, P.S.-Narari Kala Khurd, District-Aurangabad.
  13. Vishal Kumar, aged about 26 years, Male Son of Ashok Prasad Sony, Resident of Surya Mandir Road, Yamuna Nagar, P.S., P.O. and District-Aurangabad.
  14. Vikash Kumar, aged about 29 years, Male Son of Rajaram Vishwakarma, Resident of Village-Shivanpur, P.O.-Ankorha, P.S.-Badem (OP), District-Aurangabad.

... .. Appellant/s

Versus

1. Utility Power-tech Ltd. through its Chairman, having its registered office at



UPL House, W-24, Sector-11, Noida-201301.

2. The Chairman, Utility Power-tech Ltd. having its registered office at UPL House, W-24, Sector-11, Noida-201301.
3. The Director, Utility Power-tech Ltd. having its registered office at UPL House, W-24, Sector-11, Noida-201301.
4. The Chief Executive Officer, Utility Powertech Ltd. having its registered office at UPL House, W-24, Sector-11, Noida-201301.
5. The Resident Manager, Utility Power-tech Ltd. NPGCL-Nabinagar Site, Office at Sone Samridhi Complex, NPGC-Township, P.O.-Ankorha RS, District-Aurangabad, Bihar.
6. The Manager (HR), Utility Power-tech Ltd. NPGCL-Nabinagar Site, Office at Sone Samridhi Complex, NPGC-Township, P.O.-Ankorha RS, District-Aurangabad, Bihar.  
..... Respondent 1<sup>st</sup> Set
7. Nabinagar Power Generation Company Ltd. (NPGCL), through its Chief Executive Officer, P.O.-Ankorha RS, Aurangabad, Bihar.
8. The Director HR, NTPC Limited, NTPC Bhawan, SCOPE Complex, Institutional Area, Lodhi Road, New Delhi-110003.  
..... Respondent 2<sup>nd</sup> Set
9. The Collector, Aurangabad, Bihar.
10. The Regional Labour Commissioner, Patna, Bihar.
11. The Labour Superintendent, Aurangabad, Bihar.

... .. Respondent 3<sup>rd</sup> Set

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**Appearance :**

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|--------------------------------|---|---------------------------------------------------------------------------|
| For the Appellant/s            | : | Mr. Binod Kumar Singh, Advocate<br>Ms. Vagisha Pragya Vacaknavi, Advocate |
| For the Respondent No. 7 & 8   | : | Mr. Tuhin Shankar, Advocate                                               |
| For the Respondent No. 9 to 11 | : | Mr. Rohibath Das, AC to AAG 10                                            |

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**CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA**

**and**

**HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

**Date : 08-12-2021**

Heard learned counsel for the parties.

Learned counsel appearing for the respondent nos. 7 and 8 submits that during the pendency of the Letters Patent Appeal, conciliation proceedings have failed. Thus, only remedy available



to the appellants is to move before the Industrial Tribunal. He submits that a communication in that regard shall be sent to the appellants and the respondent State within a week.

In case, the appellants approach the Industrial Tribunal, they shall be at liberty to raise all the pleas raised herein which shall be taken into consideration by the Tribunal. The Tribunal shall take into consideration all the issues and decide the dispute expeditiously.

Learned counsel for the State assures that in case the statement made by learned counsel for the respondents no. 7 and 8 is correct that the conciliation proceeding has failed, the reference in terms of Section 12(5) of the Industrial Dispute Act shall be made at the earliest, in any case, not later than two months.

Learned counsel for the petitioner is satisfied with this order and no further adjudication is thus necessary.

The petition stands disposed off.

**(Rajan Gupta, J)**

**(Mohit Kumar Shah, J)**

P. Kumar/Anand Kr.

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