

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1465 of 2018

In
Civil Writ Jurisdiction Case No.18545 of 2016

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1. Sri Suresh Ram son of Sri Janak Ram
 2. Smt Sarswati Devi wife of Sri Suresh Ram Both resident of mohalla Dahiyawa (within the compound of Ram Jaipal College, Chapra), P.S. Nagar Thana, District Saran Chapra.

...Petitioner ... Appellant/s

Versus

1. The State Of Bihar through the Principal Secretary, Labour Resource Department, Government of Bihar, Patna
2. The Presiding Officer, Labour Court, Chapra.
3. The Vice Chancellor, J.P. University, Chapra.
4. The Registrar, J.P. University, Chapra.
5. The Deputy Labour Commissioner, Chapra.
6. The Principal, Ram Jaipal College, Chapra.

... Respondents ... Respondent/s

Appearance :

For the Appellant/s : Mr.Mohammed Abu Haidar
For the Respondent/s : Mr.Chitranjan Sinha -Paag2

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 29-01-2021

Heard the parties.

Aggrieved by judgment and order dated 06.09.2018
passed in C.W.J.C. No.18545 of 2016 passed by a learned
Single Judge of this Hon'ble Court dismissing the writ petition,
appellants/petitioners have preferred this LPA.

Appellants / petitioners had filed writ petition for
quashing the Award dated 1.7.2016 passed by Presiding Officer,



Labour Court, Chapra in Reference Case No.2 of 2010 whereby, he has decided the reference against the appellants/petitioners.

Briefly stated the facts of the case is that appellants/petitioners claimed to have been appointed as daily wager on verbal order of Principal of the college and same was approved in the development committee meeting dated 20.11.2007 and they were paid remuneration of Rs.200/- per month which was subsequently enhanced to Rs.300/-. Petitioners worked for more than 240 days in a year, as such, they requested the Principal to regularize their services, however, since April, 2009, payment of wages were stopped and they were removed from service.

Appellants/petitioners filed an application for regularization of their services before the Deputy Labour Commissioner, Saran Division, Chapra but in spite of repeated opportunity, Principal of the College did not submit his reply, he referred the dispute to State Government and State Government in exercise of power conferred by Clause (C) of sub-Section(1) of Section 10 of the Industrial Disputes Act, 1947 referred the dispute to the Labour Court, Saran at Chapra. The term of reference was as under:-

“Whether denial to regularization of service



of Smt. Sarswati Devi and Suresh Ram is justified? If not what relief they are entitled to?"

Altogether, 13 witnesses were examined on behalf of appellants/petitioners, however, no documents were produced by the appellants/petitioners in support of their claim of continuous working of 240 days in one year.

Labour Court has also observed that none of the witnesses have supported the claim of petitioners and have denied the working of petitioners in said college. Appellants/petitioners themselves have denied of having marked their attendance in said college. Labour Court has observed that appellants/petitioners have not brought any documentary evidence in respect of their appointment, payment, renewal order, register attendance in support of their claim. No master roll was brought as evidence or even called for evidence from said college.

No documentary evidence with regard to continuous service of 240 days during one calendar year has been brought by appellants/petitioners. It is essential for the workmen to establish that they were in continuous service of their employer for 240 days. Labour Court has concluded that on appreciation of evidence on record workmen have miserably failed to establish their case and accordingly answered the reference in



negative.

Learned Single Judge after meticulously examining the Award passed by the Labour Court did not find Award to suffer from an error of jurisdiction or breach of principles of natural justice or vitiated by error of law and dismissed the writ petition.

This Court does not find any error or infirmity in the order passed by the learned Single Judge requiring any interference by this Court, accordingly, the LPA is dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
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