

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1081 of 2021

Uttam Raj S/o Rajeshwar Prasad Raj, resident of Mohalla Sai Takiya, New Colony, Near IDH, P.O.- Gulzarbagh, P.S. Alamganj, Dist. - Patna (Bihar), 800007.

... .. Petitioner/s

Versus

1. Bank of Baroda Regional Office, Patna region, Bihar through Regional Manager, 4th Floor, Anand Vihar, West Boring Canal Road, Patna - 800001.
2. Regional Manager cum Disciplinary Authority, Bank of Baroda, Patna Region, 4th Floor, Anand Vihar, West Boring Canal Road, Patna - 800001.
3. General Manager, Bank of Baroda, Patna Zone, 5th Floor, Anand Vihar, West Boring Canal Road, Patna - 800001.
4. Deputy General Manager, Bank of Baroda, Patna Zone, 1st Floor, Anand Vihar, West Boring Canal Road, Patna - 800001.
5. Chief Manager cum Enquiry Officer, Bank of Baroda, Ashiana More Branch, Bailey Road, Ashiana More, Khajpura, Patna - 800014.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Abhinay Raj, Advocate
For the Respondent/s	:	Mr. Nishi Nath Ojha, Advocate
		Mr. Sanjeev Shankar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 31-01-2022

This matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 Pandemic.

Mr. Sanjeev Shankar, learned counsel for the respondent-bank is hereby directed to furnish a copy of the counter affidavit to learned counsel for the petitioner.

In the instant petition, petitioner has prayed for the following relief(s):-

*“For quashing and setting
aside the order dated 02.03.2020
communicated under order no.*



RO:PATNA:VIG:20:92 whereby and wehre under the petitioner has been removed and the order dated 28.05.2020 communicated through ZO:PAT:29ZVD:240 dismissing the appeal.”

Learned counsel for the respondents raised a preliminary issue relating to maintainability of the present petition on the score that petitioner is in the clerical cadre. He has a remedy before the Industrial Tribunal/Labour Court under the Industrial Disputes Act, 1947 with reference to Section 2(bb) read with Section 2(s) “workman” and further he has pointed out initiation of inquiry namely issuance of charge-sheet is in terms of Clause -5 of the Memoranda of Settlement on Disciplinary Action & Procedure for Workmen, 2002.

In the light of the aforesaid clauses, the petitioner who was in the cadre of clerk has a statutory remedy before the Industrial Tribunal/Labour Court, therefore, the present petition stands disposed off as not maintainable reserving liberty to the petitioner to raise an industrial dispute in accordance with law.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

