

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.953 of 2021

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1. Sudhir Yadav Son of Surendra Yadav Resident of Village/Mohalla-Gaushala Road, Shyam Market, Durga Asthan, P.S. Mokama, District-Patna.
 2. Arvind Paswan Son of Late Kailu Paswan, Resident of Village/Mohalla-Raili, Ward No.7, P.S.-N.T.P.C., Mokama, District-Raili,
 3. Sunil Mahto Son of Rambali Mahto, Resident of Village/Mohalla-Mokama, Ward No.8, P.S.-N.T.P.C. Mokama, District-Patna.
 4. Manohar Thakur Son of Late Bisweswar Thakur Resident of Village/Mohalla-Ward No. 8 P.S.-N.T.P.C. Mokama, District-Patna.
 5. Bhola Yadav Son of Yogindar Yadav Resident of Village/Mohalla-Sultanpur Chauk, P.S. Mokama, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Labour Commissioner, Labour Department, Govt. of Bihar, Niyojan Bhavan, Bailey Road, Patna.
3. The Regional Labour Commissioner (Central), Govt. of India, Bihar Region, Maurya Lok, Patna.
4. The G.M. (H.Q.), N.T.P.C. Barh, District-Patna.
5. The D.M., N.T.P.C. Barh, District-Patna.
6. The S.D.M. Barh District-Patna.
7. The NAGAARJUN Construction Company Ltd. through its Managing Director, Barh District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishore Srivastava
For the Respondent/s : Mr.Lalit Kishore (AG)

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

Date : 30-11-2022

Heard learned counsels for the parties.

2. In the instant petition, petitioners have prayed for
following reliefs:-

"(I) To directing respondent
No. 7 (here in NAGAARJUN Construction



Company Ltd.) to resist the service of the petitioners and make quer the different amount is their salaries, E.P.F., E.S.C.I.

And

(II) Further be pleased to directing the Respondents to make secure the social securities and other relief or reliefs."

3. Petitioners were stated to be working with 7th Respondent. They had grouse relating to payment of wages/ salaries, E.P.F. and E.S.I.C. etc. They have statutory remedy under the Industrial Disputes Act, 1947, EPF Act, 1952, ESIC Act, 1948. Accordingly, the present petition is not maintainable.

Apex Court in the case of State of *Jammu and Kashmir V. R.K. Zalpuri* reported in *AIR 2016 SC 3006* at para 20 held as under:

"20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

"The Court while exercising its jurisdiction under Article 226 if duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the



resolution of the dispute;

- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;
- (e) ex facie barred by any laws of limitation;
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

4. In the light of aforesaid decision, present petition is not maintainable in view of the fact that petitioner has statutory remedy before competent forum.

5. Accordingly, the present petition stands disposed of reserving liberty to the petitioners to approach appropriate forum.

(P. B. Bajanthri, J)

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CAV DATE	
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