

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20630 of 2018

=====

Madan Mohan Pathak, son of Late Sahjanand Pathak, Resident of Village and
PO- Karanpur, District- Supaul.

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Ltd. through its Chairman Cum Managing Director, Vidyut Bhawan, Bailey Road, Patna
2. The Chairman, Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. The General Manager (Human Resources and Administration), Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. The Deputy General Manager (Human Resources and Administration), North Bihar State Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. The Electrical Executive Engineer (Rural), North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
6. The Enquiry Officer-cum-Electrical Executive Engineer, Transmission Division, Sabaur (Bhagalpur), Bihar State Power Transmission Company Ltd., Bailey Road, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajeeva Roy, Sr. Counsel Mr. Shashank Srivastava, Advocate Mr. Akash Keshav, Advocate
For the Respondent/s	:	None

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 29-11-2022 Heard Mr. Rajeeva Roy, learned Senior Counsel

appearing for the petitioner. None appears on behalf of the

respondent-Power Holding Company.

The substance of the petitioner's grievance is his
dismissal, which formed the substance of the earlier writ
proceedings arising out of CWJC No.5242 of 2015, wherein the
Court recorded the following order on 06.04.2015:



"Heard learned counsel for the parties.

Admittedly the petitioner is a workman and is aggrieved by an order of dismissal from service. He had, under the standing order, a remedy of appeal and if such an appeal also fails, he, being a workman and subjected to an order of dismissal from service, will have only a remedy under the Industrial Dispute Act as was held in the case of *Abdul Khalique Vs. H.E.C. & Ors.* reported in *1985 BBCJ 114*.

When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this application order to avail the other remedies.

This application is, accordingly, permitted to be withdrawn with the aforementioned liberty but, it is made clear that the petitioner now will have no liberty to move this Court again for the same cause of action raised herein."

The learned Senior Counsel today submits that the petitioner has preferred an appeal, which is communicated to have been rejected under order dated 03.11.2017. However, the order of rejection has not been made available to him.

Such ground, in the opinion of the Court, does not



entitle the petitioner to approach this Court in writ jurisdiction again. The order dated 06.04.2015 passed in petitioner's earlier writ proceedings in CWJC No.5242 of 2015 has already attained finality *inter partes*, and as per the same, petitioner's remedy may at best lie under the Industrial Disputes Act.

Writ petition is dismissed.

(Madhuresh Prasad, J)

PNM

U			
---	--	--	--

