

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15141 of 2015

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Sharwan Kumar Son of Late Shri Shri Prakash Resident of Village - Juafar Bazar, P.S. and District Nalanda. At present residing in the House of Shiyaram Choudhary, Mohalla and P.S. - Kharik Bazar, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Chairman and Managing Director, Bank of Baroda
2. The Zonal Manager, Bank of Baroda, Bihar Circla, Anand Bihar, 4th Floor, Boring Canal Road, Patna.
3. The Regional Manager, Bank of Baroda, Tilak Maidan Road, Muzaffarpur.
4. The Assistant General Manager Regional Head Office, Muzaffarpur.
5. The Branch Manager, Bank of Baroda, Chorhar Branch, District Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr.Nishi Nath Ojha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-09-2023 1. The present writ petition has been filed seeking the following reliefs:-

“1.(i)For issuance of writ in the appropriate nature for quashing of Letter dated 7.7.2014 issued by the Regional Manager whereby and whereunder the Regional Manager has communicated the order dated 19.3.2014 taken by the Assistant General Manager, Regional Office, Muzaffarpur whereby and whereunder the claim of the petitioner for absorption in the Bank



has been rejected without considering that the petitioner has rendered service to the respondents authority for more than 10 years without any breakage and regular increment was also given. But it was latches on the part of the respondents itself who has not sent the name of the petitioner for absorption nor any information was given to the petitioner to make application for absorption in view of the claim.

(ii) For further direction to the respondent authorities to issue appointment letter to the petitioner absorbing on the appropriate post as the petitioner has already completed 10 years of service and only after filing the writ application he has been stopped from discharging his duties.”

2. The learned counsel appearing on behalf of the respondent-Bank, at the very outset, has raised a preliminary objection regarding the maintainability of the writ application on the ground that since the petitioner is a workman, he



is governed by the provisions contained in the Industrial Disputes Act, 1947, hence he has alternative remedy before the Assistant Labour Commissioner(Central).

3. The Ld. Counsel for the petitioner seeks liberty to approach appropriate forum for redressal of his grievances. Liberty so sought is granted.

4. This application is accordingly, dismissed.

(Mohit Kumar Shah, J)

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