

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 11540 of 2024

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Umesh Paswan S/o Late Bhikhari Paswan, Resident of Village- Bara, P.S.-
Rajauli, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Forest, Patna.
2. The District Magistrate, Nawada.
3. The Principal Director, Chief Conservator of Forest, Department of Forest and Environment, Govt. of Bihar, Patna.
4. The Forest Conservator, Nawada, District- Nawada.
5. The Divisional Forest Officer, Nawada, Division at District- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate
For the Respondent/s : Mr. Sudama Kumar, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-08-2024 Heard learned counsel for the petitioner and

learned counsel for the State.

2. Learned counsel for the petitioner fairly submits
that petitioner and others had earlier moved before this
Hon'ble Court in CWJC No. 20534 of 2012 in which vide
order dated 07.11.2012 a direction was made to respondent
No. 6 to consider the case of the petitioner in the light of the
judgment passed by the Hon'ble Supreme Court in the case of
**Secretary, State of Karnataka versus Uma Devi and
others**, reported in (2006) 4 SCC 1. Learned counsel for the



petitioner submits that the present petitioner has filed representation but, according to him, no order has been passed. Learned counsel for the petitioner further submits that the removal of petitioner took place and therefore, a representation was filed vide Annexure- P/3 series but no action has been taken. Therefore, the petitioner has filed this writ petition before this Court.

5. Learned counsel for the State submits that from the petition it does not transpire that whether the petitioner has filed any representation in the light of the order dated 07.11.2012 passed in CWJC No. 20534 of 2012 or not? But only grievance has been raised that after taking work for 13 months, the petitioner and others were removed and, hence, they have filed the present writ petition.

6. By the pleadings, it transpires that the petitioner is claiming that he was working as daily wage/caretaker since 01.08.1985. He has filed representation but no action has been taken by the authority as yet.

7. It transpires to this Court that as per the claim of the petitioner, the petitioner has come within the definition of workmen and his removal without notice is directly covered under Section 25F of the Industrial Disputes Act.



8. In this view of the matter, this Court dispose off the writ petition directing the petitioner to avail the remedy under the Industrial Disputes Act.

(Dr. Anshuman, J.)

Mkr./Aman/-

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