

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5277 of 2017

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1. Manoranjan Sharma, Son of Late Ram Sewak Sharma, Resident of Village-Sitalpur, P.O.-Sitalpur, P.S.-Dighwara, District-Saran at Chapra.
 2. Dharendra Kumar Sharma, Son of Girijanand Singh, Resident of Mohalla-Shivpuri, in Front of Ganga Market, P.S.-Sastrinagar, District-Patna.
 3. Dharendra Kumar Sharma, Son of Girijanand Singh, Resident of Mohalla-Shivpuri, in Front of Ganga Market, P.S.-Sastrinagar, District-Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through Labour Secretary, Government of Bihar, Niyojan Bhawan, Bailey Road, Patna
2. The Presiding officer, Industrial Tribunal, Patna
3. The Sr. Regional Manager, FCI, Regional Office of Arunachal Building, Exhibition Road, Patna.
4. The District Manager, Food Corporation of India, Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary
For the State	:	Mr. Rohitabh Das, AC to Ex AAG 10
For the F.C.I.	:	Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 10-11-2025

1. The petitioner has filed the instant application for the following relief:

“For quashing the award dated 05.02.2016 passed by the Presiding Officer Industrial Tribunal, Patna in Reference case No. 12 (c) of 2001 whereby and where under petitioner entitlement for reinstatement with back



wages have been rejected."

2. The brief facts as culled out of the petition are that the petitioners were engaged as casual labourers in the Food Storage Depot (F.S.D.), Bellouri, District Purnea, under the District Officer of the Food Corporation of India (hereinafter referred to as *FCI*) during the period 1990-1991. It is contended that in the month of May, 1991, their services were abruptly terminated without compliance of the mandatory provisions of Section 25-F of the Industrial Disputes Act, 1947, inasmuch as no notice indicating the reason for retrenchment, notice pay, or retrenchment compensation was provided. It is further asserted that despite having completed more than 240 days of continuous service, they were terminated without any show-cause which is illegal and violative of law. The petitioners submit that after their retrenchment, several similarly situated and even junior casual employees were absorbed and regularized by the management, whereas the petitioners were denied of such benefit. The Union



representing the petitioners raised an industrial dispute regarding reinstatement and regularisation of the petitioners which was initially registered as Reference Case No. 173 of 1998 before the Tribunal-cum-Labour Court, Dhanbad, and subsequently transferred to the Industrial Tribunal, Patna, where it was registered as Reference Case No. 12(C) of 2001.

3. It is stated that the petitioners were represented through their Union, before the Tribunal and filed their written statement. The management of FCI also filed its written statement along with documentary evidence, including a *work done certificate* showing engagement of casual labourers from the month of May 1990 to the month of July 1991 (marked as Ext. M1) and examined altogether three witnesses. However, due to unavoidable circumstances, including an accident involving one of the petitioners who was authorized to represent their case, the workmen could not adduce evidence or examine witnesses.

4. The petitioners contend that the



Tribunal failed to appreciate Ext. M1, which, according to them, established that they had worked for more than 240 days, and yet they were retrenched without compliance of Section 25-F of Industrial Disputes Act. It is also urged that due to negligence on part of their counsel and the Union, the case was not properly represented before the Tribunal, resulting in dismissal of their claim.

5. It is further pleaded that the petitioners came to know about the impugned award on 15.01.2017, whereafter they applied for and obtained a copy of the same and preferred present writ petition.

6. The Learned counsel for the petitioners submitted that the impugned award suffers from patent illegality and non-application of mind. It was contended that Ext. M1, filed by the management itself, substantiates that the petitioners had rendered service for more than 240 days and, therefore, their disengagement amounts to retrenchment which was made in violation of Section 25-F of the Industrial Disputes Act, 1947.



7. It was further argued that the petitioners were denied reasonable opportunity before the Tribunal, as the case was not properly represented by their counsel owing to unavoidable circumstances. It was contended that procedural lapses or negligence on the part of the Union should not defeat the substantive rights of the workmen. On this premise, Learned counsel prayed for quashing of the award and for direction to reinstate the petitioners with consequential benefits.

8. A counter affidavit was filed on behalf of respondent No. 1. Learned counsel for the respondent no. 1 submitted that the impugned award dated 05.02.2016 is a quasi-judicial order passed by a competent authority, after due consideration of pleadings and evidence on record. It was pointed out that the dispute between the petitioners and the FCI was referred by the Ministry of Labour, Government of India under Section 10(1)(c) of the Industrial Disputes Act, 1947.

9. It was further submitted that under



Section 2(a)(i) of the said Act, the Central Government is the “appropriate government” in relation to the FCI, and therefore, the answering respondent has no role to play with regard to the dispute beyond the statutory referral. The writ petition, according to the respondent, is devoid of any specific grievance against respondent no. 1 and is liable to be dismissed on that ground alone.

10. A counter affidavit was also filed on behalf of respondent Nos. 3 and 4. The Learned counsel appearing for respondent nos. 3 and 4 vehemently opposed the writ petition and submitted that the petitioners were never employed by the Food Corporation of India at any point of time. It is contended that the claim of the petitioners is based on fabricated and misleading documents.

11. It was pointed out that Ext. M1, which the petitioners relied upon, pertains only to three workmen, namely, Ramdeo Das, Mahadeo Paswan, and Laxman Sahni and does not bear the names of the present petitioners. The allegation



that the said exhibit evidences the petitioners' employment is, therefore, false and misleading.

12. It is further submitted that during the proceedings before the Tribunal, the management examined three witnesses and produced relevant records, while the petitioners neither examined any witness nor produced any document to substantiate their claim, despite several opportunities and adjournments.

13. It was urged that the Tribunal, upon detailed consideration of the materials available on record, rightly concluded that the petitioners failed to establish any relationship of employer and employee with the FCI, and therefore, the question of retrenchment or regularization does not arise and accordingly prayed to dismiss the writ petition.

14. Heard the Learned counsel for the parties and perused the pleadings, materials on record, and the original record of Reference Case No. 12(C) of 2001, as called for by this Court vide order dated 20.01.2019.

15. From the records, it appears that



the Tribunal provided ample opportunity to both sides. The management adduced oral and documentary evidence, while the workmen neither examined any witness nor produced any supporting document to prove their alleged employment under the FCI. The reliance placed by the petitioners on Ext. M1 is wholly misconceived, as the said document pertains to certain other individuals and not to the petitioners. Moreover, the management witness Rajendra Kumar has categorically stated in his deposition that the petitioners were never engaged as workmen in the Food Storage Depot, Bellouri, and their names do not appear in the attendance register.

16. The Tribunal, therefore, rightly held that the petitioners have failed to establish even the foundational fact of employer-employee relationship, which is a condition precedent for claiming protection under Section 25-F of the Industrial Disputes Act. The plea of ignorance of the award till 2017 or of negligence by counsel cannot be accepted in absence of any credible



material. Further more the document filed by the petitioners alleged to be exhibit-M1 is not tallying with exhibit-M1 of the Labour Court record. Therefore, the award, being a reasoned quasi-judicial order passed after due process, does not suffer from any infirmity warranting interference under Article 226 of the Constitution of India.

17. Upon consideration of the records of the case, this Court is of the considered opinion that the petitioners have failed to make out any case for interference. The findings recorded by the Learned Industrial Tribunal, Patna, are based on appreciation of evidence and does not suffer from any perversity or error of law.

18. Accordingly, this Writ petition is dismissed as it is devoid of merit.

19. Interlocutory Application, if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.11.2025
Transmission Date	

