

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.422 of 2023

In
Civil Writ Jurisdiction Case No.4114 of 1998

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The Management of Bihar, Fal-Sabjee Vikas Nigam Ltd., Patna (Bihar Fruit and Vegetable Development Corporation Ltd. Patna) through its Managing Director.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Labour Employment Department, New Secretariat, Patna.
2. The Presiding Officer, Labour Court, Patna.
3. Amit Kumar Son of Late Sita Ram Das, Resident of Village and Post-Chandan Patti, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Appellant	:	Mr. Avinash Kumar, Advocate
		Mr. Nalin Vilochan Tiwary, Advocate
For the State	:	Mr. Sarvesh Kr. Singh, AAG-13)
For Res. No.3	:	Mr. Sanjay Kumar, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

17 05-08-2025

I.A. No.1 of 2023

This application is filed under Section-5 of the Limitation Act for condonation of delay of 429 days in preferring the present appeal.

2. Heard learned counsel for the applicant/appellant and learned counsel for the respondents.

3. We have considered the submissions canvassed by learned counsel for the parties and gone through the



averments made in the present interlocutory application.

4. In view of the averments made in this petition and the submissions canvassed by the learned counsel for the applicant/appellant, we are of the view that the applicant/appellant has shown sufficient cause for not preferring the appeal within the time of limitation.

5. Accordingly, this interlocutory application is allowed. Delay of 429 days caused in preferring the present appeal is condoned.

L.P.A. No.422 of 2023

The present appeal has been filed under Clause 10 of the Letters Patent Appeal of the Patna High Court Rules against the order dated 25.11.2021, rendered by the learned Single Judge in CWJC No.4114 of 1998, by which the learned Single Judge has directed the present appellant/original petitioner to pay Rs. 3 lakhs by way of lumpsum compensation to the present opponent/original respondent No.3. The learned Single Judge further directed the appellant herein to pay interest @ 6 % per annum, if the lumpsum compensation is not paid within a period of three months from the date of presentation of the petition.

2. The brief facts leading to filing of the present



appeal are as under:

2.1. The present appellant/original petitioner filed the captioned writ petition wherein the petitioner has challenged the award dated 24.07.1995 passed in Reference Case No.29 of 1993 by the Labour Court, Patna directing the reinstatement of Respondent No.3 with full back-wages. The appellant/petitioner also prayed for quashing and setting aside the order dated 27.01.1998 passed in Misc. Case No.2 of 1995 by the Labour Court dismissing the petition filed for setting aside the ex parte award. The present appellant/original petitioner challenged the aforesaid two orders passed by the Labour Court.

2.2. It is the case of the appellant/petitioner in the writ petition that the respondent workman was appointed as daily wage worker with the petitioner management in the month of March, 1986. Thereafter his services were terminated in August,1987. Thereafter, he was taken back to duty on 05.08.1989 afresh. Thereafter, due to closer of the appellant/petitioner management in the month of April, 1990, the services of opponent/original respondent No.3 and other workmen were terminated on 12.05.1990. The opponent herein, therefore, raised the dispute which was referred to the



Labour Court. Ultimately, the Labour Court passed an ex parte award on 24.07.1995, by which the appellant/original petitioner was directed to reinstate the said workman with full back-wages. However, as the said award was an ex parte award, the appellant/original petitioner filed application before the Labour Court for setting aside the ex parte award. However, by another order dated 27.01.1998, the said application came to be dismissed by the Labour Court and, therefore, the appellant/original petitioner filed the captioned writ petition.

2.3. The learned Single Judge disposed of the aforesaid writ petition by granting Rs. 3 lakhs lumpsum compensation to the workman/original respondent No.3. It is required to be observed at this stage that the workman/original respondent No.3 died during pendency of the said proceedings and, therefore, the legal heir of the workman was brought on record. The learned Single Judge further directed the original petitioner to pay an amount of Rs. 3 lakhs to the legal heir of the workman within a period of three months from the date of receipt of the order, failing which, the original petitioner was further directed to pay 6% interest from the date of presentation of the petition.



2.4. The petitioner has, therefore, challenged the aforesaid order by filing the present appeal.

3. Heard learned counsel for the appellant and learned counsel for the respondents.

4. Learned counsel for the appellant would mainly contend that the learned Single Judge has committed an error while granting Rs. 3 lakhs by way of compensation and further directing the petitioner to pay 6% interest from the date of presentation of the petition. It has further been contended that as the workman has not completed 240 days in the preceding 12 months, provisions contained in Section 25F of the Industrial Disputes Act (hereinafter referred to as 'the I.D. Act') could not be attracted. Thus, there is no violation of the mandatory provisions of Section 25F of the I.D. Act, as alleged by the workman. The learned Single Judge has further observed that the order of termination is of 12.05.1990 and as the workman died during pendency of the proceedings, lumpsum compensation has been awarded for which the workman has worked during the period March, 1986 to May, 1990. Learned counsel for the appellant further submits that, in fact, this Court had granted stay in the year 2000 itself against the award passed by the Labour Court and, therefore,



the learned Single Judge has committed an error while awarding interest @ 6% from the date of presentation of the petition. Learned counsel for the appellant, therefore, urged that the impugned order be set aside.

5. On the other hand, learned counsel appearing for the legal heir of the deceased workman has opposed the present appeal. He would mainly contend that the appellant has already complied with the direction issued by the learned Single Judge and, therefore, the impugned order may not be interfered with.

6. We have considered the submissions canvassed by the learned advocates. We have also perused the records, including counter affidavit filed on behalf of the original respondent. It is not in dispute that during pendency of the proceedings, the workman died and, therefore, legal heir of the workman has been brought on record. The learned Single Judge has awarded Rs. 3 lakhs by way of lumpsum compensation looking to the over all facts and circumstances of the present case and, more particularly, because of the death of the workman and the fact that the services of the workman were terminated in 1990. We are of the view that the direction issued by the learned Single Judge awarding lumpsum



compensation of Rs. 3 lakhs to the legal heir of the deceased workman is not required to be interfered with. However, learned counsel for the appellant is right in submitting that, in the present case, the learned Single Judge has awarded interest @ 6% from the date of presentation of the petition. We are of the view that the learned Single Judge has committed an error while awarding interest from the date of presentation of the petition as the petition was filed in the year 1998 and immediately in the year 2000, in fact, the learned Single Judge had granted stay in favour of the petitioner. However, we are not inclined to interfere with the said direction in the facts of the present case and, more particularly, the fact that the lumpsum amount of compensation with 6% interest, as directed by the learned Single Judge, has already been paid to the son of the workman and, therefore, the appellant shall not recover the said amount from the son of the deceased workman.

7. However, we modify the direction issued by the learned Single Judge directing the appellant to pay further 6% interest from the date of presentation of the petition to the extent that appellant is directed to pay 6% interest per annum from the date of passing of the order.



8. With the aforesaid observation, the appeal is partly allowed and disposed of accordingly.

(Vipul M. Pancholi, CJ)

(Partha Sarthy, J)

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