

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24819 of 2013

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Kapileshwar Choudhary S/O Late Janardan Choudhary R/O Village
Basukibihari, P.S. Madhurapur In The District Of Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors Government Of Bihar, Patna
2. Administrator, Bihar State Road Transport Corporation, Patna
3. Managing Director, Bihar State Road Transport Corporation, Patna
4. The District Magistrate, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Respondent/s : Mr. Ajay, Sr. Advocate

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 20-02-2026

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

“(I) To quash the office order bearing order no. 144 dated 08.02.2008 issued under the signature of V. N. Jha, Director Vigilance and Security (In-Charge Chief Personnel) in the department of Bihar state road transport department Govt. of Bihar Patna.. Whereby and where under it is further directed that the back wages of the petitioner shall not be paid.

(II) To direct the respondent authority to pay the entire back wages



of the petitioner in view of order dated 22.8.2006 passed by Presiding Officer, Labour Court, Patna in reference case no. 39/1995 with statutory interest over the amount.

(III) Also to direct respondent authority to provide all consequential benefits of the petitioner in view of above mentioned order.

(IV) Also any other relief/reliefs for which petitioner is found to be entitled in the eye of law."

2. The case of the petitioner, as culled out from the writ petition, is that he was initially appointed as a Driver in the Bihar State Road Transport Corporation on 20.06.1988. It is stated that he discharged his duties sincerely and was posted on the Patna-Darbhanga Deluxe Bus route. According to the petitioner, during the course of inspection, four passengers were found travelling without ticket. A domestic enquiry was initiated against him and he was suspended on 19.03.1990. It is alleged that the enquiry was conducted in violation of principles of natural justice and without



affording him adequate opportunity of hearing. Ultimately, vide order dated 16.09.1991, he was dismissed from service.

3. It is further stated that the petitioner challenged the order of dismissal before the Labour Court, Patna, which was registered as Reference Case No. 39/1995. After adjudication by award dated 22.08.2006, the Presiding Officer, Labour Court, Patna directed reinstatement of the petitioner along with payment of full back wages and other consequential benefits. It is the grievance of the petitioner that though he was reinstated to service pursuant to the award, vide Office Order No. 144 dated 08.02.2008 but the respondents denied payment of back wages. According to him, such action is illegal and amounts to non-compliance of the award passed by the Labour Court. It is further submitted that the petitioner has been working since his reinstatement with sincerity and the denial of back wages for nearly 15 years is wholly arbitrary and unsustainable in law.



4. Per contra, the Learned counsel appearing on behalf of the respondents has opposed the writ petition. It is submitted that the writ petition is hit by delay and laches. The cause of action had arisen in the year 2006 and the impugned office order was passed in the year 2008, whereas the petitioner has approached this Court after several years without any plausible explanation.

5. It is further submitted that the petitioner had an alternative statutory remedy under Section 33-C(1) of the Industrial Disputes Act, 1947, for recovery of money, in terms of the award, but the same has not been availed. Hence, the writ petition is not maintainable.

6. The Learned counsel draws attention towards Section 17A of the Industrial Disputes Act which deals with enforceability of awards and submitted that the award has become inoperative by virtue of Section 19 of the Act. Section 17A of the Industrial Disputes Act, reads as follows:

“17A. Commencement of



the award.—(1) An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under section 17:

Provided that—

(a) if the appropriate Government is of opinion, in any case where the award has been given by a Labour Court or Tribunal in relation to an industrial dispute to which it is a party; or

(b) if the Central Government is of opinion, in any case where the award has been given by a National Tribunal, that it will be inexpedient on public grounds affecting national economy or social justice to give effect to the whole or any part of the award, the appropriate Government, or as the case may be, the Central Government may, by notification in the Official Gazette, declare that the award shall not become enforceable on the expiry of the said period of thirty days.

(2) Where any declaration has been made in relation to an award under the proviso to sub-section (1),



the appropriate Government or the Central Government may, within ninety days from the date of publication of the award under section 17, make an order rejecting or modifying the award, and shall, on the first available opportunity, lay the award together with a copy of the order before the Legislature of the State, if the order has been made by a State Government, or before Parliament, if the order has been made by the Central Government.

(3) Where any award as rejected or modified by an order made under sub-section (2) is laid before the Legislature of a State or before Parliament, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid; and where no order under sub-section (2) is made in pursuance of a declaration under the proviso to sub-section (1), the award shall become enforceable on the expiry of the period of ninety days referred to in sub-section (2).

(4) Subject to the provisions of sub-section (1) and sub-



section (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, but where no date is so specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1) or sub- section (3), as the case may be.]”

7. It is submitted that the petitioner was a habitual offender and had earlier been subjected to disciplinary proceedings. The misconduct alleged against him was serious in nature, involving breach of trust while discharging duties as a driver of a commercial transport corporation dealing with public revenue. It is contended that the Labour Court erred in granting reinstatement with full back wages and the Corporation is running at a loss, and it cannot be burdened with payment of back wages for nearly 17 years without any work. Therefore, the Learned counsel for the respondents prayed to dismiss the writ petition as it is devoid of merits.

8. Heard The Learned counsel for the



parties and perused the materials available on record. The primary grievance of the petitioner is against the office order dated 08.02.2008 whereby back wages were denied despite the award dated 22.08.2006 passed by the Labour Court. However, it is an admitted fact that the petitioner has approached this Court after a considerable delay. The cause of action, if any, arose in the year 2006 and the award was passed in the year 2008 and the Writ application was preferred in the year 2013. No satisfactory explanation has been provided by the petitioner for approaching this Court after such a long period of time. Further, the Industrial Disputes Act provides for a specific mechanism under Section 33-C(1) for recovery of money due under an award. The petitioner has not availed the said statutory remedy. It is well settled that where an efficacious alternative remedy is available under a statute, this Court, in exercise of its writ jurisdiction under Article 226 of the Constitution of India, ordinarily does not entertain such petition, specially when the disputed question



is relating to computation and enforceability of monetary benefits.

9. This Court also finds that the petitioner remained out of service for a substantial period and serious allegations of misconduct had been levelled against him. The Corporation has specifically pleaded loss of confidence in the petitioner and about the financial constraints. These are matters which required adjudication before the appropriate forum under the Industrial Disputes Act.

10. The reliance placed by the respondents on Section 17A of the Industrial Disputes Act regarding enforceability of awards further indicates that questions relating to operation, enforceability and implementation of the award are matters to be examined within the statutory framework of the Act. These questions cannot be examined in writ jurisdiction, particularly when disputed facts are involved.

11. The counsel appearing on behalf of the corporation submits that award of the Labour



Court which is the basis of petitioner’s claim is inoperative as he cannot rely on such award after expiry of prescribed period under the Act. Vide order dated 06.01.2024, the petitioner was asked to bring on record whether the award of Labour Court was published or not. However, the petitioner has failed to do so.

12. In view of the discussions made hereinabove, this Court is of the considered opinion that the writ petition is devoid of merits and does not warrant interference under Article 226 of the Constitution of India.

13. Accordingly, the writ petition stands dismissed.

14. Interlocutory Application(s), if any, shall stands disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2026
Transmission Date	

