

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18138 of 2016

1. Kapildeo Pandit son of Sri Ayodhya Pandit, resident of village Churaman Bigha, P.S. Chanan, District Lakhisarai.
2. Munna Kumar Verma son of late Krishna Ballabh Sahay, resident of village Vichali Kuan Rajgir, P.S. Rajgir, District Nalanda.
3. Pranav Kumar son of Prabhu Rai, resident of village Gauspur Ijra, P.S. Hajipur Sadar, District Vaishali.
4. Pappu Kunal son of Satyadeo Prasad Yadav, resident of village Gauravgarh Ward No.4 Supaul, P.S. Supaul, District Supaul.
5. Mahanand Singh son of Bhim Singh, resident of village Kinjar, P.S. Kinjar, District Arwal.
6. Ranjay Kumar son of Dinesh Chandra Singh, resident of village Rudauli, P.S. Bachhwara, District Begusarai.
7. Sanjeet Kumar Yadav son of Hardeo Yadav, resident of mohalla New Bangali Tola, Bank Colony More, Main Road Bus Stand Mithapur, P.S. Jakkanpur, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Labour Resources Department, Government of Bihar, Patna.
3. Bihar State Power Distribution Company Limited through its Chairman-cum-Managing Director, Vidyut B
4. South Bihar Power Distribution Company Limited through its Managing Director, Vidyut Bhawan, Patna.
5. North Bihar Power Distribution Company Limited through its Managing Director, Vidyut Bhawan, Patna.
6. The Labour Commissioner cum Conciliation Officer, Bihar, Patna.
7. The Electrical Executive Engineer, Electric Supply Division, Lakhisarai.
8. The Electrical Executive Engineer, Electric Supply Division, Rajgir, Nalanda.
9. The Electrical Executive Engineer, Electric Supply Division, Hajipur, Vaishali.
10. The Electrical Executive Engineer, Electric Supply Division, Supaul.
11. The Electrical Executive Engineer, Electric Supply Division, Arwal.
12. The Electrical Executive Engineer, Electric Supply Division, Barauni, Begusarai.
13. The Electrical Executive Engineer, Electric Supply Division, Kankarbagh II, Ram Krishna Nagar, PESU, Patna



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Shiv Kumar, Adv.
For the SBPDCL : Mr. Kunal Tiwary Adv.
For the State : Mr. Y.P. Sinha- AAG15

CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 09-01-2026

1. The Writ petition is filed for the following reliefs:

“For issuance of a writ in the nature of writ of mandamus directing the respondents to implement the order issued from time to time by the concerned authority with respect to the agreement reached between the petitioners and concerned authorities including this to allow the petitioners to resume duty withdrawal of false cases instituted against them, enforcement of concerned Labour Laws, payment of all arrears in accordance with law and also inquiry of affairs of the concerned power companies and accordingly the rule be made absolute and or pass such other order or orders as this Hon’ble Court may deem fit and proper. “

2. The brief facts, as culled out from the writ petition, are that the petitioners are citizens of



India and were working in different divisions of Bihar State Power (Holding) Company Limited, South Bihar Power Distribution Company Limited, and North Bihar Power Distribution Company Limited. It is stated that in the month of January, 2016, when the demands of the employees were not fulfilled, the petitioners along with other employees decided to boycott work, commonly known as *Hartal*, as permissible under labour laws. The employees went on *Hartal*, and subsequently, assurance was given by the concerned authorities, that upon withdrawal of the strike, their demands would be fulfilled and duly considered. Thereafter, a representation dated 26.02.2016 was filed by the Union, explaining all the issues, which was also sent to the Secretary, Labour Department, Government of Bihar.

3. Further, on 04.03.2016, a detailed representation was filed before the concerned authorities, including the Commissioner and the Hon'ble Chief Minister, in which everything was explained that the Union of employees along with



the petitioners would go on different form of boycott. Thereafter, in place of some persons (working at that time), other persons were engaged. Upon withdrawal of the strike, the Managing Director, Bihar State Power (Holding) Company Limited issued a letter to the Managing Director of South Bihar Power Distribution Company Limited and North Bihar Power Distribution Company Limited, directing that the services of such employees to be ensured and also issued certain other directions. Subsequently, on 12.04.2016, a letter was issued by the Deputy General Manager, to all concerned Executive Engineers, Electric Supply Divisions, South Bihar Power Distribution Company Limited, stating that the employees who had underwent indefinite strike, were not allowed to work and thereafter, their services to be considered to be taken back on a case-to-case basis, by amending the earlier instructions issued vide letter dated 08.04.2016. The Writ petition further disclose that numerous letters were issued by the concerned departments,



with respect to the employees of Bihar Power Distribution Company.

4. A detailed counter affidavit was filed by the Respondent Nos. 4, 7, 8, 11 and 13 denying the contents of the Writ petition. The counter affidavit disclose that the Company issued a general direction to all Electrical Executive Engineers (EEE) of Electric Supply Division (ESD), South Bihar Power Distribution Company Ltd., to requisition and engage manpower through Agency vide letter No. 196 dated 19.05.2014 to perform and maintain the power supply system, for which an agreement between the concerned EEE and Agency was required to be executed. Further, *Manavbal* went on strike for fulfilling their demands on 11.02.2016, due to which, the entire electric supply of the area was disturbed. In order to maintain the power supply system, Law and Order, certain *Manavbal* were dismissed and others were replaced. In the meantime, *Pragatisheel Vidyut Karmi Sanyukt Morcha* approached the Labour Court, Patna, and pleaded to engage the *Manavbal*



who had gone on strike from 11.02.2016 to 09.03.2016. After hearing the representative of Union and Company, the Labour Commissioner directed the Company to review, on case-to-case basis with respect to the dismissal of *Manavbal*, who underwent strike and further to engage those against whom, no FIR was lodged. Accordingly, vide letter No. 58 dated 02.02.2017, Executive Engineers were asked to engage those *Manavbal* against whom, no FIR were lodged and the said direction of the Labour Commissioner was complied with. The other two *Manavbal*, namely, Sanjeet Kumar Yadav and Mahanand Singh, against whom FIR were lodged, were made subject to inquiry with a condition to reinstate them, if they were not found guilty. The counter affidavit further disclose that the *Manavbal* always intended to deal with the issues in a peaceful manner. However, they repeatedly forced the management for implementation of labour laws. In fact, the said *Manavbal* were working through an outsourcing agency, and all such issues ought to have been



raised before the agency, who is their immediate employer. If they had any grievance against the principal employer, i.e., the DISCOM, they ought to have followed a peaceful approach to place their matter before the competent authority. Instead of it, they adopted hooligan approach, resulting in collapse and interruption of electricity supply further damaging the property of the Company by throwing bicycle chains on electric wires, causing large-scale and mishandled the officers.

5. Counter affidavit was filed on behalf of the respondent Nos. 2 to 6. The counter affidavit disclose that a tripartite meeting was held before the Labour Commissioner, Bihar, on 08.03.2016, to resolve the dispute, in which the representatives of the Workers' Union and Management participated. The Deputy Labour Commissioner, Patna Division, Patna, initiated a conciliation proceeding between the workmen and management, and tried to resolve the dispute between them. However, the conciliation proceeding failed and no settlement could be arrived. Consequently, a report under



Section 12(4) of the Industrial Disputes Act, 1947 was submitted for reference to the Labour Court, Patna, for adjudication. However, the matter was *lis pendent* before the Labour Court (at the time of filing of the counter affidavit).

6. On perusal of the relief portion of the Writ petition, it is evident that no specific dates have been mentioned for implementation of the orders issued, from time to time by the concerned authorities. Further, no relevant document was brought on record to prove that any agreement was entered between the petitioners and the concerned authorities.

7. During the course of arguments, it is admitted by the Learned counsel for the petitioners that appointment orders of the petitioners were not filed to prove that they were employed by the respondent-Company. The relief sought in the Writ petition is to resume the duties of the petitioners. In the absence of any appointment orders/documents to prove that the petitioners were engaged in the Power Distribution



Company, the petitioners cannot seek any relief for resumption of their duties. Therefore, this Court is of the considered view that the Writ petition itself is not maintainable and that fundamental rights of an individual/petitioners are not infringed or violated.

8. In view of the aforesaid discussions, the Writ petition stands dismissed, as it is devoid of merits.

9. Interlocutory Application(s), if any, shall also stand disposed of.

(G. Anupama Chakravarthy, J)

Amandeep/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	21.01.2026
Transmission Date	

