
(2001) 07 PAT CK 0056
In the Patna High Court
Case No : C.W.J.C. No. 7977 of 1990

Muzaffarpur Goshala and Another

APPELLANT

Vs

The Presiding Officer and Another

RESPONDENT

Date of Decision : 10-07-2001

Acts Referred:

Citation : (2001) 3 BLJR 1662

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Radha Mohan Prasad, J.—In this writ petition, the petitioners have assailed the validity of the order dated 7-9-1990 passed by the Labour Court, Muzaffarpur in B.S.E. Case No. 6 of 1983 whereby he refused to hold that the proceeding before him abated in view of the Notification dated 20th March, 1989 exempting Goshalas from all provisions of the Bihar Shops and Establishments Act, 1953 (hereinafter to be referred to as "the Act").

2. Similar question came up for consideration at the instance of the State Bank of India in which ultimately the Division Bench in L.P.A. No. 117 of 1987 held that said proceeding before the Labour Court will abate. The decision of the Division Bench is 1995 (1) PLR 81.

3. Learned Counsel for the workmen respondent No. 2 has fairly conceded that the Labour Court, in view of the law settled, has no locus standi to proceed in a proceeding in B.S.E. Case No. 6 of 1983 filed by the workman.

4. Accordingly, the writ petition is allowed. The impugned order is quashed. The proceeding before the Labour Court shall abate.

5. However, it has rightly been submitted by Mr. Gupta, learned Counsel appearing on behalf of the workman as the matter remained pending in this Court for a long time and the order of stay was operative, the workman may be

given liberty to move the appropriate authority for redressal of his grievance under the provisions of the Industrial Disputes Act.

6. Having regard to the fact that the matter remained pending in this Court for now almost eleven years and further proceeding before the Labour Court in B.S.E. Case No. 6 of 1983 was stayed vide order dated 18-1 -1999, the workman could not agitate his grievance before any other appropriate forum, he is given liberty to move the appropriate authority/forum under the provisions of Industrial Disputes Act or any other law which, if filed, within four weeks, shall be considered and disposed of by the said authority expeditiously in accordance with law.