

(2002) 12 PAT CK 0088
In the Patna High Court
Case No : L.P.A. No. 164 of 1994

Ram Pukar Singh and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 05-12-2002

Acts Referred:

Industrial Disputes Act, 1947 — Section 25 FFA, 25F

Citation : (2003) 1 PLJR 531

Hon'ble Judges : Ravi S. Dhavan, C.J.;R.N. Prasad, J

Bench : Division Bench

Advocate : Shivaji Pandey, for the Appellant; Raj Kishore Pd., for the Respondent

Judgement

Ravi S. Dhavan, C.J.—This Letters Patent Appeal has been filed against the judgment dated 11 November, 1994 in C.W.J.C. No. 4530 of 1984: The Management of M/sT.R. Flour Mills, Muzaffarpur v. The State of Bihar and Ors.

2. The employer M/s T.R. Flour Mills, Muzaffarpur, hereinafter referred to as the Petitioner, was challenging the award of the labour court, Muzaffarpur dated 10 February, 1994. In so far as the workmen are concerned, they are Respondents 3 to 20. The labour court came to the conclusion that the closure which had been undertaken by the management of the industry was not bona fide and was only a camouflage to induct two new workmen notwithstanding the fact that a new policy had been inducted to take over the industry; that the workmen concerned had continuous service as on the date of the closure and regard being had to the circumstances that the employer could not satisfy the labour court on a bona fide closure the workmen concerned were entitled to full back wages for the period from the date the industry was closed and reinstatement with full back wages.

3. At the time when this matter was taken up for hearing no one has appeared on behalf of the management. The first aspect which has to be taken care of is the fact that as from the impugned judgment on the writ petition some Respondents settled their disputes outside the Court and yet some Respondents

had died before the filing of the petition. The Respondents who had settled their disputes outside the Court were Respondents 13, 14, 17 and 19. The Respondents who were intimated, to the learned Judge, as having died during the pendency of the petition were Respondents 11 and 18. In so far as Respondents 15,16 and 20 are concerned, they had died before filing of the writ petition.

4. This appeal is being contested by Respondent Nos. 3, 4, 5, 6, 8, 9,10 and 12.

5. The findings of the labour court are clear, to the effect, that the management had contravened the provisions of Section 25 FFA and Section 25F of the Industrial Disputes Act, 1947. The labour court has recorded that the plea of closure cannot