

(2014) 04 PAT CK 0007

In the Patna High Court

Case No : CWJC Nos. 1171 of 2014 and 5327, 5992, 9062 of 2013

Satyendra Prasad Singh

APPELLANT

Vs

The Bihar State Road Transport Corporation

RESPONDENT

Date of Decision : 11-04-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2014) 3 PLJR 197

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Yugul Kishore, Ugranath Mallik and Virendra Prasad, Advocate for the Appellant; P.K. Verma, Mukul Sinha and Nand Kumar Singh, Advocate for the Respondent

Judgement

Chakradhari Sharan Singh, J.—Heard learned Senior Counsel appearing on behalf of the petitioner as well as learned Senior Counsel appearing on behalf of the Respondent-Bihar State Road Transport Corporation. The petitioners in the writ applications are aggrieved by different orders passed by the Respondent Authorities whereby they have been dismissed from the services of the Bihar State Road Transport Corporation (hereinafter referred to as the "Corporation"). Preliminary objection over maintainability of these writ applications has been taken on behalf of the Corporation on the ground that since the petitioners have alternative remedy for redressal of their grievances under the provisions of Industrial Disputes Act, 1947, which remedy is equally efficacious, the present writ application is not maintainable.

2. Learned counsel appearing on behalf of the Respondents has relied upon an order of this Court dated 10.2.2014 passed in C.W.J.C. No. 2634 of 2013 as well as a judgment of this Court reported in Sidheshwar Prasad Vs. Bihar State Road Transport Corporation and Others in support of his plea of availability of alternative remedy. The objection appears to be valid.

3. Learned counsel appearing on behalf of the petitioners though resisted the

objection on the ground that existence of alternative remedy would not be a bar to this Court for exercising jurisdiction under Article 226 of the Constitution of India. Learned Senior Counsel appearing for the petitioners may be correct that there is no such bar, but I do not find any exceptional circumstance where this Court should interfere in these matters, despite their being statutory alternative remedy available to the petitioners, which cannot be said to be less efficacious.

4. These writ applications are accordingly disposed of with a liberty to the petitioners to approach appropriate authority under the Industrial Disputes Act, 1947 for the redressal of their grievances. It is indicated that if the petitioners approach the authorities/Labour Court within a period of four weeks from today, such authorities shall not raise the question of limitation, if any, taking into account the fact that the petitioners were pursuing their remedy before this Court. These writ applications are disposed of accordingly. Keeping in mind the nature of dispute, the authorities under the Industrial Disputes Act shall be required to proceed as expeditiously as possible.