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**(2011) 08 PAT CK 0006**  
**In the Patna High Court**  
**Case No : CWJC No. 12743 of 2010**

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| Siyaram Thakur                | Vs | APPELLANT  |
| The State of Bihar and Others |    | RESPONDENT |

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**Date of Decision :** 10-08-2011

**Acts Referred:**

Industrial Disputes Act, 1947 — Section 10, 29, 33C(2)

**Citation :** (2012) 3 PLJR 170

**Hon'ble Judges :** Jyoti Saran, J

**Bench :** Single Bench

**Advocate :** Parashuram Singh, for the Appellant; Pritish Kumar Lal For the State, for the Respondent

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## Judgement

Jyoti Saran, J.—Heard learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the State. The petitioner, who is a workman under the respondent no. 10-The Management, M/s Bharti Bhawan (Publishers and Distributors), Thakurbari Road, P.S.-Kadam Kuan, Patna, has filed this writ petition seeking implementation of the Award passed by the Industrial Tribunal, Bihar, Patna dated 22.2.2007 in Reference Case No. 14 of 2003 [The Management of M/s Bharti Bhawan (Publishers and Distributors) vs. The Workmen].

2. It is not in dispute that by notification dated 21.6.2002, the Government of Bihar in its Department of Labour, Employment and Training, in purported exercise of the power vested u/s 10 of the Industrial Disputes Act, 1947, (hereinafter referred to as the "Act") referred the dispute between the Management of Bharti Bhawan, Thakurbari Road, Patna and their Workmen for consideration by the Industrial Tribunal giving rise to Reference Case No. 14 of 2003. The point of reference being: --

Whether 12 point Charter of Demand raised before the Management of Bharti Bhawan (Publishers and Distributors), Thakurbari Road, Patna by Bharti Bhawan Karamchari Sangh, Patna is proper? If yes, what relief the Workmen are entitled

to?

3. It is also not in dispute that the Industrial Tribunal pronounced the Award vide order dated 22.2.2007 as contained in Annexure-1 allowing some of the charter of demands of the workman fully detailed in paragraph-25 and 26 of the award.

4. It is the contention of the petitioner that despite the Award having been pronounced and published in the District Gazette on 19.3.2007, the respondent no. 10 has not acted in compliance of the directions as finds mention therein.

5. The Labour Resource Department, vide order dated 19.6.2005, authorised the Labour Superintendent to file a complaint case against the Management of M/s Bharti Bhawan (Publishers and Distributors) u/s 29 of the Industrial Disputes Act. Following the order issued by the Govt. of Bihar, a complaint was filed in the Court of the Chief Judicial Magistrate, Patna giving rise to Complaint Case No. 367(C) of 2009 and which upon transfer, is pending consideration before Shri Ashutosh Khetan, Judicial Magistrate, 1st Class, Patna.

6. Learned counsel for the petitioner submits that despite the Award having been passed in favour of the Workmen and in spite of the complaint case having been filed against the management, respondent no. 10, the petitioner is being deprived of the benefits arising from the award and hence the present writ petition.

7. Having heard learned counsel for the parties and having considered the materials available on the records of the proceedings, this court is of the opinion that no purpose would be served in keeping the writ petition pending inasmuch as the writ petitioner has efficacious and appropriate remedy available to him u/s 33-C(2) of the Industrial Disputes Act for claiming the benefits arising from the Award dated 22.2.2007.

8. As a criminal proceeding has already been launched against the respondent no. 10, the Management of Bharti Bhawan for violation of the Award dated 22.2.2007, it goes without saying that the learned court below would ensure the expeditious disposal of the same.

9. The writ petition is thus disposed of granting liberty to the petitioner to take recourse to the alternative remedy available to him under the Act, before the Labour Court, Patna for the redressal of his grievance and the claim arising under the Award dated 22.2.2007. Needless to add that any such application being filed on behalf of the petitioner would be considered and disposed of expeditiously by the Labour Court after giving due opportunity of hearing to all contesting parties.