

(2003) 03 PAT CK 0067
In the Patna High Court
Case No : L.P.A. No. 436 of 1996

Sri. Ranjho Hsmbum and Others

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 25-03-2003

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (2003) 2 PLJR 693

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

Bench : Division Bench

Advocate : S.R. Sharan, for the Appellant; Ashok Kumar Chaudhary and Rajesh Kumar, for the Respondent

Final Decision : Dismissed

Judgement

1. The Appellants have preferred this Letters Patent Appeal against the judgment and order dated 29.2.1996 passed in C.W.J.C. No. 7233 of 1995 whereby the writ petition was dismissed.

2. The relevant facts of the case are that the Appellants were engaged on daily wages. They were working for the last 5 to 10 years. They were displaced persons. A notice u/s 25F of the Industrial Disputes Act was issued and after complying the provision of Section 25F of the Act they were retrenched. They challenged the said order in the writ petition bearing C.W.J.C. No. 7233 of 1995. In the writ petition notices were issued to the Respondents and they filed counter affidavit. After hearing the parties the writ petition was dismissed. The said order has been impugned in this Letters Patent Appeal.

3. Learned Counsel for the Appellants contended that they were displaced persons and as such they were engaged on daily wages. In the counter affidavit the aforesaid fact has been denied and it has been stated that the Appellants were not displaced persons. Nothing was brought on the record to show that they were displaced persons and they were engaged pursuant to the government

policy. The aforesaid aspect was also considered in the impugned judgment under appeal and the contention of the Appellants was negated. Learned Counsel next contended that no notice was issued to the Appellants but from the materials on record it appears that notice u/s 25F of the Act was issued to the Appellants. After complying the required provisions, they were retrenched. In fact, compensation as required was also paid and it was accepted by the Appellants. Furthermore, it appears from the record that the stand of the Respondents was that there was no work and there was financial crisis and as such they were retrenched after complying the provisions of Section 25F of the Act. The aforesaid aspect was also considered and the writ petition was dismissed. No other point was raised. Thus, on consideration as discussed above, we find no merit in the Letters Patent Appeal. It is, accordingly, dismissed.