

(2022) 09 PAT CK 0008

Patna High Court

Case No: Civil Writ Jurisdiction Case No. 12727 Of 2022

North East Granulators Dag-40,
Igc

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision: Sept. 8, 2022

Acts Referred:

- Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 - Section 2D, 2G

Hon'ble Judges: Sanjay Karol, CJ; S. Kumar, J

Bench: Division Bench

Advocate: Ravindra Kumar Singh, Anil Kumar Singh

Final Decision: Disposed Of

Judgement

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

Inviting our attention to the provisions of the statute, and more specifically Section 2D and 2G of the building and Other Construction Workersâ€™™

(Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as â€œthe Actâ€) page 46 as also the decision rendered by

Honâ€™™ble the Apex Court in Uttar Pradesh Power Transmission Corporation Ltd. And Anr. Vs. CG Power and Industrial Solutions Limited And

Anr. (Special Leave petition (C) No. 8630 of 2020 reported in (2021) 6 Supreme Court Cases 15 and more specifically para 51 and 54 thereof, it is

argued that the respondent no.3 is deducting the amount in terms of and under the Act. Such action is in utter breach of the judicial pronouncement,

referred to supra, as compared with the work order (Annexure1 page 28).

Having given thoughtful consideration to the issue raised, we are of the considered view that interest of justice would be met if the petitioner were to

invite attention of the authorities of the issues raised herein and leave it for them to take a decision in accordance with law.

Learned counsel for the petitioner fairly states that petitioner shall approach respondent no.3 namely, The Water Resource Department, through the

Chief Engineer, Flood Control and Water Drainage, Water Resource Department, Katihar within four weeks.

As such, petition stands disposed of in the following terms:-

(a) Petitioner shall approach the authority concerned within a period of four weeks from today by filing a representation for redressal of the

grievance(s);

(b) The authority concerned shall consider and dispose it of expeditiously by a reasoned and speaking order preferably within a period of four months

from the date of its filing along with a copy of this order;

(c) Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the

parties;

(d) Also, opportunity to place on record all relevant materials/documents shall be granted to the parties;

(e) Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law;

(f) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the

same shall be dealt with, in accordance with law and with reasonable dispatch;

(g) Liberty reserved to the petitioner to approach the appropriate forum, if the need so arises subsequently on the same and subsequent cause of

action;

(h) We have not expressed any opinion on merits. All issues are left open;

(i) The proceedings shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.