

IN THE HIGH COURT OF JUDICATURE AT PATNA

Madhuranjan Sah

vs.

The State of Bihar and Others

Civil Writ Jurisdiction Case No.9598 of 2025

24 June 2025

(Dr. Anshuman, Hon’ble Justice)

Issue for Consideration

Whether any order can be passed when other remedies are available and petitioner without exhausting the remedies come directly before Hon’ble High Court?

Headnotes

Industrial Disputes Act, 1947—Sections 11(9), 11(10) and 33—an order was passed by Presiding Officer, Labour Court in favour of petitioner regarding payment of arrear of the salary.

Held: for implementation of the order, petitioner has to file an application before the Presiding Officer-cum-Labour Court itself on which Labour Court has three remedies: (i) to transmit the case before the Civil Court for its implementation in the light of Order 21 of the CPC; (ii) to proceed and draw a criminal proceeding against the petitioner which shall be heard by the Magistrate concerned, and; (iii) to exhaust both the remedies—petitioner instead of exhausting the remedies available to him under Act, 1947 has come directly before this Hon’ble Court—Court is not inclined to pass any order on representation filed by petitioner—writ petition disposed off with directions. (Paras 4 to 9)

Case Law Cited

Not Available

List of Acts

Industrial Disputes Act, 1947

List of Keywords

Labour Court, Award.

Case Arising From

From representations filed by the petitioner before the concerned Authority.

Appearances for Parties

For the Petitioner/s: Mr. Sharda Nand Mishra, Advocate; Mr. Dhananjay Kr. Gupta, Advocate; Mr. D. Kumar, Advocate; Mr. Atul Kumar, Advocate; Ms. Isha Mishra, Advocate

For the Respondent/s: Mr. Majid Mahboob Khan, AAG-12

Headnotes Prepared by Reporter: Abhas Chandra, Advocate

Judgment/Order of the Hon’ble Patna High Court

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9598 of 2025

Madhuranjan Sah Son of Ramdev Sah Resident of Village- Abjuganj, P.S.-
Sultanganj, District- Bhagalpur.

... .. Petitioner/s

Versus

- 1. The State of Bihar through Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna. Bihar
- 2. The Principal Secretary, Panchayat Raj Department, Govt. of Bihar, Patna. Bihar
- 3. The Principal Secretary, General and Administrative Department, Bihar, Patna. Bihar
- 4. The Director, Panchayat Raj Department, Government of Bihar, Patna.
- 5. The District Magistrate, Bhagalpur.
- 6. The Deputy Development Commissioner, Bhagalpur, Bihar.
- 7. The District Panchayati Raj Officer, Bhagalpur. Bihar
- 8. The Block Development Officer, Sultanganj, District-Bhagalpur, Bihar.

... .. Respondent/s

Appearance :	
For the Petitioner/s	Mr. Sharda Nand Mishra, Advocate Mr. Dhananjay Kr. Gupta, Advocate Mr. D. Kumar, Advocate Mr. Atul Kumar, Advocate Ms. Isha Mishra, Advocate
For the Respondent/s	Mr. Majid Mahboob Khan, AAG-12

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 24-06-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. The present writ petition has been filed by the

petitioner with the following reliefs:-

“I. For issuance of writ in the
nature of mandamus for direction to the



respondents for considering the application dated 21.02.2025, 04.03.2025. 24.03.2025 and 21.04.2025, said application filed for compliance of the order dated 06.02.2025 passed in Misc. Case No. 01/2024 by Presiding Officer, Labour Court, Bhagalpur.

II. For further direction to the respondents to comply the order dated 06.02.2025 passed by Presiding Officer, Labour Court, Bhagalpur in Misc. Case No.01/2024 by which directed to pay the arrear of the salary worth Rs.10,75,104/- from 01.04.2017 to 31.12.2023 except period from 01.04.2017 to September 2020 worth of Rs. 1,40,000/-, total remaining amount Rs.9,35,104/-.

III. For further direction to respondent to pay the interest in the arrear of salary to the petitioner which was awarded by the Labour Court worth Rs.9,35,104/-along with the compound interest 9% per annum till date of full and final payment to the petitioner.”

3. Learned Counsel for the petitioner submits that even after passing award in his favour it has not been implemented. Therefore, he has filed representation for implementation and copy of the representation he has annexed as Annexure-P/4 to the writ petition. Counsel for the petitioner



submits that a direction may be given to the authority concerned for disposal of the representation.

4. It transpires to this Court that the order which the petitioner wants to implement has been passed by the Presiding Officer, Labour Court, Bhagalpur, in Misc. Case No.1 of 2024 under Section 33 of the Industrial Disputes Act, 1947.

5. Section 11(9) and 11(10) of the Industrial Disputes Act, 1947 states as follows:-

“11(9). Every award made, order issued or settlement arrived at by or before Labour Court or Tribunal or National Tribunal shall be executed in accordance with the procedure laid down for execution of orders and decree of a Civil Court under Order 21 of the Code of Civil Procedure, 1908 (5 of 1908).

11(10). The Labour Court or Tribunal or National Tribunal, as the case may be, shall transmit any award, order or settlement to a Civil Court having jurisdiction and such Civil Court shall execute the award, order or settlement as if it were a decree passed by it.”

6. In the light of the law laid down under the Industrial Disputes Act, 1947 for implementation of the order, the aggrieved person has to file application before the Presiding



Officer-cum-Labour Court itself on which Labour Court has three remedies. Firstly to transmit the case before the Civil Court for its implementation in the light of Order 21 of the CPC, secondly to proceed and draw a criminal proceeding against the petitioner which shall be heard by the Magistrate concerned and thirdly to exhaust both the remedies.

7. It transpires to this Court that the petitioner instead of exhausting those remedies already available to him under the Industrial Disputes Act, 1947 has come directly before this Hon’ble Court.

8. In this background, this Court is not inclined to pass any order on representation; rather liberty is hereby granted to the petitioner to exhaust his remedy available under the Industrial Disputes Act, 1947 as mentioned above.

9. With this direction, the writ petition stands disposed off.

(Dr. Anshuman, J)

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