IN THE SUPREME COURT OF BANGLADESH
HIGH COURT DIVISION
(SPECIAL ORIGINAL JURISDICTION)

WRIT PETITION NO. 6873 OF 2015

IN THE MATTER OF:

An application under Article 102 of the Constitution of the People's Republic of Bangladesh.

AND

IN THE MATTER OF:

The Senior General Manager, Cumilla Palli Bidyut Samity-1

... Petitioner.

-VERSUS-

The Third Labour Court, Dhaka and others.

... Respondents.

Mr. Hasibul Huq, Advocate

... For the petitioner.

Mr. Mohammad Osman Chowdhury, Advocate

... For the respondents.

Heard and Judgment on : 13.11.2025.

Present:

Mr. Justice Md. Khairul Alam
&
Mr. Justice Aziz Ahmed Bhuiyan

Md. Khairul Alam, *J:*

This Rule Nisi was issued calling upon the respondents to show cause as to why the impugned order of stay dated 15.06.2015, passed by respondent No. 2 the Chairman, 3rd Labour Court, Dhaka in B.L.A. (I.R.) Case No. 536 of 2015 (Annexure-G), should not be declared to have been passed without lawful authority and to be of no legal effect.

Relevant facts for disposal of the Rule Nisi are that the Bangladesh Rural Electrification Board is a statutory body established under the provisions of the Rural Electrification Board Ordinance, 1977

(Ordinance No. LI of 1977), which was subsequently repealed and re-enacted by the Rural Electrification Board Act, 2013 (Act No. XXXV of 2013). The petitioner, Senior General Manager, Cumilla Palli Bidyut Samity-1, is one of seventy-seven (77) Palli Bidyut Samities registered by the Board, and it operates in accordance with the said Act, as well as the bylaws and rules framed there under. Respondent No. 3 was an employee of the petitioner. He was initially appointed on 25.08.2004 as a "শিক্ষানবিশ লাইনম্যান" under the Naogaon Palli Bidyut Samity, and by an order dated 18.03.2009, he was transferred to the petitioner Samity, where he was appointed as Lineman Grade-2. Subsequently, by an order dated 07.06.2015, respondent No. 3 was transferred and attached to Borura Zonal Office and pursuant thereto, he was released from the petitioner Samity on 08.06.2015. Alleging the said transfer to be unlawful, respondent No. 3 filed a petition under section 213 of the Bangladesh Labour Act, 2006, before the 3rd Labour Court, Dhaka (respondent No. 1), which was registered as B.L.A. Case No. 536 of 2015. In the said case, responded No. 3 also filed an application under section 216(1)(chha) of the said Act seeking a stay of the impugned transfer order. Upon consideration of the said application, the Labour Court, by its order dated 15.06.2015, stayed the operation of the transfer order ex parte. The petitioner being informed about the said order, appeared before the Labour Court and filed a written objection contending, inter alia, that, in view of sections 25 and 31 of the Rural Electrification Board Act, 2013, respondent No. 3 does not fall within the definition of "worker" as provided in section 2(65) of the Bangladesh

Labour Act, 2006, and, as such, the Labour Court had no jurisdiction either to entertain the said case or to pass any order relating to the transfer of respondent No. 3.

Being aggrieved by the said order of stay, the petitioner moved this Court and obtained the present Rule along with an interim order staying the operation of the impugned order.

The respondent No.3 thereafter moved the Appellate Division against the interim order, but without any result.

At the outset of the hearing of this Rule, the learned Advocate for the petitioner, by filing a supplementary affidavit, informed this Court that respondent No. 3 has already joined his transferred post and has been serving there. However, due to the pendency of this Rule, the B.L.A. Case has not been preceded in accordance with law and remains pending. It was, therefore, prayed that a formal direction may be issued by this Court for expeditious disposal of the said case.

Considering the submissions made and the materials on record, we are of the view that justice would be best served, without entering into the merit of the Rule, if it is disposed of with necessary directions.

Accordingly, the Rule Nisi is disposed of without any order as to costs.

The respondent No. 2 is hereby directed to dispose of B.L.A. Case No. 536 of 2015 expeditiously, preferably within six (06) months from

the date of receipt of this judgment and order, if not already disposed of in the meantime.

Let a copy of this judgment and order be communicated to respondent No. 2 at once.

Aziz Ahmed Bhuiyan, J:

I agree.

Kashem/B.O