

(1999) 12 PAT CK 0084
In the Patna High Court
Case No : L.P.A. No. 47 of 1999

Awadhesh Kumar Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 14-12-1999

Acts Referred:

Citation : (2000) 2 PLJR 825

Hon'ble Judges : B.P. Singh, Acting C.J.; S.K. Chattopadhyaya, J

Bench : Division Bench

Advocate : Laxmi Narayan Das, for the Appellant; S.N. Pathak, for the Respondent

Final Decision : Allowed

Judgement

1. Heard counsel for the parties. The writ petition filed by the Appellant has been dismissed by a learned Judge of this Court on the ground that the Appellant had earlier moved this Court against the order of his termination in C.W.J.C. No. 8989 of 1996 and had withdrawn the same. The learned Judge has held that since no liberty was granted to the Appellant to agitate his grievance afresh in this Court, the writ petition was not maintainable.

2. We have perused the order of this Court dated 17.1.1997 in C.W.J.C. No. 8989 of 1996, which is Annexure-11 to the writ petition. On a plain reading of the said order it is quite clear to us that the Appellant was permitted to withdraw the writ petition so to enable him to file a representation before the competent authority in respect of the grievances made by him. The Court further directed that if such an application was filed, the same shall be disposed of without unnecessary delay. The Court made it clear that it was not expressing any opinion on the merit of the case, as it was for the concerned authority to examine the same and dispose it of in accordance with law.

3. On a plain reading of the aforesaid order it is clear that though the writ petition was permitted to be withdrawn, liberty was reserved for the Appellant to

move the competent authority which was directed to dispose of the same in accordance with law. The Appellant moved the instant writ petition, from which this appeal arises, after the competent authority rejected his representation, making a grievance that the representation was wrongly rejected. In our view, the Appellant got a fresh cause of action on dismissal of his representation and his earlier withdrawal of the writ petition will not debar him from moving this Court afresh after the rejection of the representation filed by him pursuant to the direction of this Court.

4. We, therefore, allow this appeal, set aside the impugned order and remand the matter to be placed for admission before the appropriate Bench.