

(2003) 07 PAT CK 0021

In the Patna High Court

Case No : L.P.A. No's. 957 and 994 of 2002

Binay Kishore Sahi

APPELLANT

Vs

State of Bihar and Others
 Ganesh Singh and Another
Vs Bihar State Housing Board and Others

RESPONDENT

Date of Decision : 21-07-2003

Acts Referred:

Citation : (2003) 3 PLJR 770

Hon'ble Judges : R.S. Garg, J;Nagendra Rai, J

Bench : Division Bench

Advocate : Binay Kumar Singh, for the Appellant; V.N. Sinha and S.C. Mishra and Shravan Kumar, Rajiv Nayan Singh and Shola Sandhwar for Housing Board, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the parties.
2. L.P.A. Nos. 957, 958, 965, 994, 1010 and 1077 of 2002 have been filed against judgment and order dated 31st July, 2002 passed by the learned single Judge in C.W.J.C. No. 6395 of 2002 and its analogous cases dismissing the writ applications filed by the Appellants challenging the order of their termination dated 8.5.2002. L.P.A. No. 153 of 2003 has been filed against the order dated 11.2.2003 passed by the learned single Judge in C.W.J.C. No. 2479 of 2001 which was disposed of along with C.W.J.C. No. 2691 of 2001 whereby the writ applications filed by the Appellants and others challenging the order of their termination have been dismissed.
3. It appears that L.P.A. No. 348 of 2003 was filed by the writ Petitioners of C.W.J.C. No. 2691 of 2001 against the common order dated 11.2.2003 passed by the learned single Judge in C.W.J.C. No. 2691 and 2479 of 2001 out of which L.P.A. No. 153 of 2003 arises and the said L.P.A. has been dismissed by the Division Bench of this Court on 29.4.2003. It further appears that C.W.J.C. Nos.

2691 and 2479 of 2001 were disposed of by the learned single Judge agreeing with the judgment rendered earlier on 31 st July, 2002 passed in batch of writ applications being C.W.J.C. No. 6395 of 2002 and others out of which the present six appeals arises.

4. One fact which is not in dispute in these cases is that the matter with regard to regularisation has gone upto the Apex Court and the Apex Court finally disposed of the matter in Civil Appeal No. 766 of 1991 arising out of SLP (Civil) No. 11538 of 1988 whereby the Apex Court issued direction to regularise the services of 257 daily wages workers in the work charge establishment as per list supplied before the Apex Court with further direction that as there is no sufficient infrastructure under the Respondent Board, other persons working on daily wages or under work charge establishment be terminated. Thereafter, the Board considered the matter and passed different orders retaining 257 daily wages workers and terminated the services of the other persons.

5. The matter came to this Court earlier challenging the termination order and this Court having noticed that the Apex Court has directed the Board to consider the cases of 257 daily wages workers only and the Board has considered the matter and retained 257 employees out of the number as fixed by the Apex Court and terminated the services of other daily wages workers, dismissed the writ applications and the said order has been upheld in appeal also. Even the appeals filed against the order passed in C.W.J.C. No. 2691 of 2001 have been dismissed by the Division Bench of this Court. We fully agree with the view taken in the said case and present appeals are dismissed on the same grounds.

6. In the result, all the appeals are dismissed.