

(2003) 01 PAT CK 0027
In the Patna High Court
Case No : L.P.A. No. 1150 of 1995

(sic)I Kumar Sinha

APPELLANT

Vs

Bihar State Financial Corporation and Others

RESPONDENT

Date of Decision : 28-01-2003

Acts Referred:

Citation : (2003) 2 PLJR 708

Hon'ble Judges : Ravi S. Dhavan, C.J;R.N. Prasad, J

Bench : Division Bench

Advocate : S.R. Mukherjee and Shanti Pratap, for the Appellant; P.K. Shahi and Rakesh Kumar, for the Respondent

Judgement

1. This is a Letters Patent Appeal by one Anil Kumar Sinha who had initially been appointed part time as daily wage worker and subsequently as a daily wage worker who, perhaps, may have been put up for regularisation but had not been given that status.
2. Before the Court examines any merit on record of the writ petition itself, the proceeding of 31 August, 1994 record that this matter be seen along with the records of CWJC No. 4969 of 1999 decided by a learned Judge on 8 March, 1994.
3. The order which was passed on CWJC No. 4969 of 1993 was a matter between Ujjwal Kumar Singh and Anr. v. Bihar State Financial Corporation and Ors. The controversy apparently was not different from the one in the present case. The Petitioner in CWJC No. 4969 of 1993 not having received a relief from the High Court filed a SLP (C) No. 10488 of 1994 later registered as Civil Appeal No. 10274 of 1995: Ujjwal Kumar Singh and Anr. v. The Bihar State Financial Corporation and Ors. The reference to CWJC No. 4969 of 1993 is also available in paragraph No. 6 of the judgment which has been impugned in the present Letters Patent Appeal. Thus, this Court cannot ignore the record of this writ petition nor the order of the Supreme Court passed in Civil Appeal No. 10274 of 1995.

4. The only aspect which is relevant is that the Supreme Court ordered reinstatement of the staff concerned on daily rate basis until their services are lawfully terminated. Back wages during the period of dis-continuance were also ordered.
5. The issue debated in the present case has also been noticed by the Supreme Court being the principle of "last come first go".
6. The contention on behalf of the Bihar State Financial Corporation made by counsel is that the Petitioner-Appellant also saw reinstatement and, thereafter, his disengagement in accordance with the order of the Supreme Court.
7. In the circumstances, the cause does not survive, in the writ petition or the present Letters Patent Appeal. The reason is simple. "The pleadings as were exchanged, even the filing of the Letters Patent Appeal pre-dates of the order of the Supreme Court.
8. Should the dis-engagement be otherwise than in accordance with law it may give a cause to the Petitioner-Appellant and he may allege discrimination that the principle of "last come first go" has been violated. But, no further directions can be given by this Court after the order of the Supreme Court.
9. In the circumstances with the decision of the Supreme Court, the Letters Patent Appeal is consigned.