
(2021) 10 PAT CK 0005

In the Patna High Court

Case No : Letters Patent Appeal No. 25 Of 2020 In Civil Writ Jurisdiction Case
No. 21806 Of 2019

Siya Ram Singh

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 01-10-2021

Acts Referred:

Citation : (2021) 10 PAT CK 0005

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Mrityunjay Kumar, Rajan, Ajay Kumar Rastogi, Dr. Mayanand Jha,
Giridhar Gopal Tiwary

Final Decision : Dismissed

Judgement

1. This appeal is directed against the judgment/order dated 09.12.2019 passed in C.W.J.C. No. 21806 of 2019, titled as Siya Ram Singh Vs. The State of Bihar & Ors., by a learned Single Bench of this Court, whereby the writ petition stands dismissed.

We have perused the record of earlier writ petition bearing CWJC No.12358 of 2006 Titled as Siya Ram Singh Vs. The State of Bihar & Ors. allowed on 26.02.20215, wherein petitioner prayed for the following relief(s):-

"(a) For quashing the award dated 03.01.2006 passed in reference case no.40 of 1996 by which the petitioner claimed of the date of birth as registered in the E.S.I. identity Card been rejected.

(b) For giving a direction to respondent authority to consider the date of birth of registered in the E.S.I. identity card and accordingly calculate the date of retirement of petitioner and give all the consequential benefit thereof.

(c) Any other relief/reliefs to which the petitioner be found entitled in the eye of law in the present facts and circumstances of the case."

We have also perused the record of L.P.A. No.1798 of 2015, titled as Bihar Cooperative Weavers Spinning Mill Vs. Sri Siya Ram Singh & Anr. assailing the judgment dated 26.02.2015 passed in the said writ petition.

The writ petitioner/appellant was held entitled to all benefits, including monetary benefits, in terms of the judgments rendered therein.

However, in the appeal referred to supra, the operation of the judgment dated 26.02.2015 passed by the learned Single Judge was stayed on 31.01.2017 and with the dismissal of the appeal, interim order vacated vide judgment dated 27th of March, 2018.

It is stated, undisputedly, that immediately thereafter all monetary benefits were disbursed to the writ petitioner- appellant herein.

In this view of the matter, we do not find the writ petitioner-appellant herein entitled to payment of interest on the monetary benefit disbursed to him for which he had preferred a second petition, subject matter of the present appeal. The principle of constructive res judicata will apply, for earlier the Court never directed payment of interest, which order the writ petitioner-appellant herein freely accepted.

As such, we do not find any reason sufficient enough to interfere with the impugned judgment dated 09.12.2019 delivered in C.W.J.C. No. 21806 of 2019 titled as Siya Ram Singh Vs. The State of Bihar & Ors., subject-matter of the present appeal, more so in view of the law laid down in Jogendrasinhji Vijaysinghji Vs. State of Gujarat and others, (2015) 9 SCC 1. The appeal stands dismissed.

Interlocutory application, if any, shall also stand disposed of.