

(2003) 09 PAT CK 0052

In the Patna High Court

Case No : Letters Patent Appeal No. 482 of 2003

The State of Bihar and Others

APPELLANT

Vs

Gopal Prasad and Others

RESPONDENT

Date of Decision : 02-09-2003

Acts Referred:

Citation : (2003) 4 PLJR 495

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

Bench : Division Bench

Advocate : R.K. Dutta and Pumendu Singh, for the Appellant; Ganesh Prasad Singh, Bindhyachal Singh, Uday Pratap Singh, in Letters Patent Appeal Nos. 483, 485, 492 and 510 of 2003, Y.V. Giri, Raju Giri and Sanjay Kumar Giri, in Letters Patent Appeal Nos. 482 and 502 of 2003, for the Respondent

Final Decision : Dismissed

Judgement

Nagendra Rai, J.—All these six appeals are time-barred. After hearing learned Counsel for the parties and taking into consideration the averments made in the limitation petitions, we are satisfied that good grounds have been made out to condone the delay in filing the appeals. Accordingly, the delay in filing the appeals is condoned and the limitation petitions stand disposed of.

2. The questions involved in all the appeals are the same and as such they have been heard together and are being disposed of by this common order. L.P.A. Nos. 483/03 and 485/03 arose out of C.W.J.C. Nos. 9447/02 and 7910/02, respectively, reported in Bipin Kumar Singh and Others Vs. The State of Bihar and Others, which were disposed of by common order dated 20.2.2003. L.P.A. Nos. 482/03 and 502/03 arose out of C.W.J.C. Nos. 12364/ 02 and 12949/02, respectively, which were disposed of along with C.W.J.C. No. 12053/02 by a common order dated 26.2.2003. L.P.A. Nos. 492/03 and 510/03 arose out of C.W.J.C. Nos. 95/03 and 96/03, respectively which were disposed of by common order dated 31.3.2003.

3. The writ Petitioner-Respondents are, admittedly, employees of the Corporation and Undertakings of the State Government and they were deputed to the State service and by different orders, their deputations were cancelled, which were challenged in the aforesaid writ applications and the learned Single Judge by the aforesaid orders have quashed the orders of the State Government and directed them to continue on their posts of deputation as according to the learned Single Judge their repatriation will virtually amount to their dismissal from service.

4. The cases are falling in the two categories So far as L.P.A. Nos. 483/03 and 485/03, arising out of C.W.J.C. Nos. 9447/02 and 7901/02, respectively, are concerned, the Appellants of the said appeals were deputed in the different District Treasuries in terms of the notification dated 7.10.1999, which provided for their deputation subject to their absorption in the State service in terms of the decision to be taken by the State Government. In other four appeals, the deputations of the Appellants were made in view of the orders passed by the different authorities, which were cancelled by the impugned orders. The writ Petitioner-Appellants are Class III and Class IV employees of the Bihar State Sugar Corporation, Bihar State Small Scale Industries Corporation, Bihar State Pharmaceutical and Chemical Corporation, Bihar State Construction Corporation Limited, Bihar State Food & Civil Supplies Corporation, Bihar State Textiles Corporation, Bihar State Leather Corporation, Bihar State Cooperative Marketing Union Limited.