

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4792 of 1999

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Purushotam Mishra, S/o Deo Narain Mishra, Resident of – SKG Sugar Limited
Company's quarter (Bihar State Sugar Corporation Unit) at P.O. & P.S. – Lauria,
District – West Champaran.

.... Petitioner/s

Versus

1. Bihar State Sugar Corporation, through: Its Chairman cum Managing Director,
Haridar Bhawan, Boring Road, Patna.
2. The General Manager, Bihar State Sugar Corporation, a unit Lauria, at P.O. &
P.S. – Lauria, District – West Champaran.
3. The State of Bihar, through: Industrial Development Commissioner cum
Principal Secretary, Government of Bihar, New Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the State : Mr. Sushant Praveer (AC to SC-27)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

Date: 10-04-2015

No one appears on behalf of the petitioner. Learned
counsel for the State of Bihar is present.

2. The petitioner is seeking a direction for payment of
back wages from the period 05.12.1985 to 16.09.1998,
asserting that he was appointed in the year 1977 and his
services were confirmed on 13.12.1978 as Assistant Cane

Development Officer in M/S S.K.G. Sugar Limited, Lauria.

3. It appears from the order dated 25.01.1999 (Annexure-2) passed by the General Manager of the Corporation that the petitioner's service was terminated with effect from 05.12.1985 itself. The petitioner has relied upon a judgment of a Division Bench of this Court dated 27.08.1998 in a case of **"Purshottam Mishra Vs. The State of Bihar & Others."** (C.W.J.C. No. 1341 of 1986).

4. Hence, I am of the view that relief as sought for in the present application cannot be entertained as this application has been filed thirteen years after the service of the petitioner was dispensed with by the Bihar State Sugar Corporation, Lauria in the year 1985 itself. There is nothing on the record to show as to whether the petitioner had, thereafter, persuaded the matter before any appropriate authority including this Court.

5. I am, therefore, not inclined to issue any order in favour of the petitioner.

6. This order, however, will not come in the way of the Corporation taking any decision with respect to the petitioner in the light of the Division Bench judgment of this Court dated 27.08.1998 passed in C.W.J.C. No. 1341 of 1986, if the said

judgment is found applicable in the case of the petitioner. However, it is made clear that such discretion would be upon the Corporation only and the petitioner cannot claim by way of right his reinstatement or payment of salary on the basis of the present order.

7. This application stands disposed of in the terms of the order as above.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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