

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1411 of 2001

IN

Civil Writ Jurisdiction Case No. 6661 of 1989

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Bihar State Agro Industries Development Corporation through its
Managing Director, Sinha Library Road, Patna.

.... Appellant

Versus

1. Nawal Kishore Prasad Sinha son of Late Janki Prasad, resident of Mohalla – New Area Jakkanpur, P.O. Patna, P.S. – Jakkanpur, District – Patna.
2. Kishore Mohan Shahay, son of Late kamleshwar Shahay, resident of Malsalami, Patna, P.S. – Malsalami, District – Patna.
3. Krishna Mohan Prasad Singh, son of late Radha Raman Prasad, resident of Mohanpur, P.S. – Punaichak, Patna.

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 20-07-2015

In our view, this appeal has become incompetent and is to be dismissed as such.

The present appeal arises from the judgment and order dated 3rd April 2001 passed in C.W.J.C. No. 6661/1989. The claim of the three writ petitioners for payment of revised pay scales from the date the Assistants in the Accounts Cadre started getting the scale of Rs. 785 – 1210/- and from the date the petitioners being entitled to the higher pay scale of Rs. 880 – 1510/- and arrears in relation thereto was allowed. Thus, the three writ petitioners on common appraisal of

facts became entitled to the relief as indicated above. The Bihar State Agro Industries Development Corporation which was the respondent and was liable to pay the same and this appeal.

After repeated orders steps for service of notice on respondent nos. 1 and 3 who were writ petitioner nos. 1 and 3 not having been taken the appeal in relation to them stood dismissed. Thus, the finding in the order of the writ court became final as against the writ petitioners no. 2 and 3 being respondent nos. 2 and 3. The order attains finality on the same set of facts and its consequential would operate as *res judicata* in respect of respondent no. 2 to this appeal being on the same facts.

Thus, the appeal becomes incompetent, and is dismissed, accordingly.

(Navaniti Prasad Singh, J.)

(Nilu Agrawal, J.)

Rajeev/N.A.F.R.

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