

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.885 of 2004
IN
Civil Writ Jurisdiction Case No. 13617 of 2001**

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1. The State of Bihar.
 2. The Agriculture Production Commissioner, Department of Agriculture, Bihar, Patna.
 3. The Finance Commissioner, Bihar, Patna.
 4. The Director, Agriculture Department, Bihar, Patna.

.... Respondents- Appellants.

Versus

1. Jai Prakash Singh, son of Late Damodar Prasad, resident of village Mathwapur, P.S. Kahalgaon, District- Bhagalpur.
2. Surendra Prasad Yadav, Son of Late Ram Ashish Prasad, resident of village Panch Pokharia, P.S.- Mahuawa, District- East Champaran.

.... Petitioners- Respondents.

Appearance :

For the Appellant/s : Mr. Din Bandhu Singh, G.P.
Mr. Satyeshwar Prasad, A.C. to G.P.9
For the Respondent/s : Mr. Sanjay Kumar @ Manu, Advocate.
Mr. B.Kumar, Advocate.

**CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
and
HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)
Date: 06-07-2015**

The present Letters Patent Appeal is directed against the order dated 23.06.2004 passed in C.W.J.C. No. 13617 of 2001.

2. Let it be noted that the writ petition was allowed though not by a final adjudicatory order but an order dependent upon an outcome of the L.P.A. No. 166 of 1997 and the interim order passed therein.

3. It appears that there was a dispute as to what was pay scale payable to the writ petitioners upon their repatriation to their parent cadre. Substantially, that being dispute which was in the L.P.A

No. 166 of 1997, in the present writ petition, the Court directed that during the pendency of L.P.A. aforesaid, the writ petitioners would be paid according to the pay scale, they claimed, subject to refund of the said L.P.A. is decided against them.

We now find that L.P.A. No. 166 of 1997 as preferred by the Association of the employees was dismissed affirming the dismissal of the writ petitions as well. The interim order passed in the L.P.A. stood automatically vacated. That being the position then in the present writ petition, i.e., C.W.J.C. No. 13617 of 2001 from which this L.P.A. arises would not merit any consideration and the order of the learned Single Judge dated 23.06.2004 in the said writ petition would loose its validity or sanctity being dependent upon the interim order passed in the earlier L.P.A. Accordingly, this L.P.A. is allowed. Consequently, we hold that the present appeal as filed by the State of Bihar has to be allowed and the order of the learned Single Judge has to stand vacated and the writ petition be dismissed with consequence as mentioned in the writ order itself.

Accordingly, this appeal is allowed.

(Navaniti Prasad Singh, J)

Bhardwaj-P.S./-

(Rajendra Kumar Mishra, J)

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