

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.676 of 2014

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1. Shiv Dani Singh Son Of Late Mathura Prasad Singh Resident Of Mohalla - Anandpuri, West Boring Canal Road, House No. 140, P.S. S.K. Puri, District - Patna

2. Rabindra Kumar Narayan Son Of Late Raj Kishore Narayan Resident Of Mohalla - Patrakar Nagar, I.O.C. Road, Sipara, P.S. Phulwarisharif, District - Patna

.... Petitioners

Versus

1. The Chairman, The Bihar State Co-Operative Bank Ltd., Ashok Raj Path, Patna - 800004, P.S. Pirbahore, District - Patna

2. The Managing Director, The Bihar State Co - Operative Bank Ltd., Ashok Raj Path, Patna - 800004, P.S. Pirbahore, District - Patna

3. The Deputy General Manager, Personnel And Administration - Cum - Secretary, (B.O.T.), Board Of Trustee, Bihar State Co - Operative Bank Ltd. Ashok Raj Path, Patna - 800004, P.S. Pirbahore, District - Patna

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Shri Nath Pathak

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 03-02-2015 No one appears for the petitioners.

2. This writ application was dismissed for default on 10.1.2014 whereafter it was restored in view of an order dated 17.12.2014 in M.J.C.No. 633/2014.

3. Today when the case has been again taken up no one has appeared on behalf of the petitioners and therefore, it was quite easy for this Court to again dismiss this writ application due to default. This Court, however, having examined the relief and the averments made in the writ application would find that a cause of action of the year 2002 with regard to the alleged illegal

deduction from the salary of the petitioners to the tune of Rs. 10,273/- and Rs.12,389/- could not have been raised by filing this writ application on 7.1.2014. The delay of more than eleven years therefore, on the part of the petitioners in moving this Court will stare in their face and consequently the writ application is fit to be dismissed on the ground of delay and laches.

4. That apart the petitioners have never been unaware of their remedies and in fact they had moved this Court while the same cause of action was still available to them when they had filed the writ petitions No. 828/2004, C.W.J.C.No. 11930/2011, M.J.C.No. 1444/2010 and L.P.A.No. 1892/2012 but either this issue relating to alleged illegal deduction of the period of July, 2002 was not raised or even if raised was rejected and therefore this writ application would be barred by the principles of resjudicata and/or constructive resjudicata.

5. Thus for the aforesaid reason this Court is not inclined now to reopen the issue of the year 2002.

6. That being so, this application is dismissed.

(Mihir Kumar Jha, J)

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