

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.746 of 2015**

**Arising out of**

**Civil Writ Jurisdiction Case No. 3203 of 1997**

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1. The State of Bihar, through the Commissioner-cum-Secretary, Water Resources Development Department, Sinchai Bhawan, Bihar, Patna.
  2. The Joint Secretary to the Government, Water Resources Development Department, Government of Bihar, Sinchai Bhawan, Patna.
  3. The Chief Engineer (Mechanical), Water Resources Development Department, Sinchai Bhawan, Patna.
  4. The Superintending Engineer, Water Resources Development Department, Bahuara Project Mithapur, Patna.
  5. The Executive Engineer, Water Resources Development Department, Bhabhua Project, Noawan, District - Bhabhua.
  6. The Junior Engineer, Water Resources Development Department, Bahuara Project, Noawan, District - Bhabhua.

.... .... Appellant/s

Versus

Dharmdeo Thakur. Son of Shri Bigan Thakur. Resident of village and P.O.- Nataiyan, Police Station - Kudra, District - Bhabua, At present working on Master Roll, Irrigation Pump Project Sundar Bahuara, District - Bhabua.

.... .... Respondent/s

With

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**Letters Patent Appeal No. 1432 of 2013**

**Arising out of**

**Civil Writ Jurisdiction Case No. 2711 of 1997**

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1. The State Of Bihar, through The Commissioner - Cum - Secretary, Water Resources Development Department, Sinchai Bhawan, Bihar, Patna
  2. The Joint Secretary to The Government, Water Resources Development Department, Government Of Bihar, Sinchai Bhawan, Patna
  3. The Chief Engineer (Mechanical), Water Resources Development Department,

Sinchai Bhawan, Bihar, Patna

4. The Superintending Engineer, Water Resources Development Department, Bahuara Project Mithapur, Patna

5. The Executive Engineer, Water Resources Development Department, Bhabhua Project, Noawan, District- Bhabhua

6. The Junior Engineer, Water Resources Development Department, Bahuara Project, Noawan, District- Bhabhua

.... .... Appellant/s

Versus

Hira Paswan Son Of Shri Mahendra Paswan Resident Of Village And P.O.- Agwan, Police Station- Asthawa, District- Nalanda, At Present Posted And Working On Muster Roll, Irrigation Pump Project Sundar Bahuara, District- Bhabhua

.... .... Respondent/s

With

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**Letters Patent Appeal No. 769 of 2014**

**Arising out of**

**Civil Writ Jurisdiction Case No. 3213 of 1997**

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1. The State of Bihar, through the Commissioner-cum-Secretary, Water Resources Development Department, Sinchai Bhawan, Bihar, Patna

2. The Joint Secretary to the Government, Water Resources Development Department, Government of Bihar, Sinchai Bhawan, Patna

3. The Chief Engineer (Mechanical) Water Resources Development Department, Sinchai Bhawan, Patna

4. The Superintending Engineer, Water Resources Development Department, Bahuara Project Mithapur, Patna

5. The Executive Engineer, Water Resources Development Department, Bhabhua Project, Noawan, District- Bhabhua

6. The Junior Engineer, Water Resources Development Department, Bahuara Project, Noawan, District- Bhabhua

.... .... Appellant/s

Versus

Mahfooz Alam, Son of Late Mohammad Abdul Hafiz Siddique, Resident of

Village- Katra (Beltal), P.O. and Police Station- Bihar Sharif, District- Nalanda, At present working on Muster Roll, Irrigation Pump Project, Sundar Bahuara, District- Bhabua

.... .... Respondent/s

With

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**Letters Patent Appeal No. 1111 of 2015**

**Arising out of**

**Civil Writ Jurisdiction Case No. 3225 of 1997**

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1. The State of Bihar, through the Commissioner - cum - Secretary, Water Resources Development Department, Sinchai Bhawan, Bihar, Patna.
2. The Joint Secretary to the Government, Water Resources Development Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Chief Engineer (Mechanical), Water Resources Development Department, Sinchai Bhawan, Patna.
4. The Superintending Engineer, Water Resources Development Department, Bahuara Project Mithapur, Patna.
5. The Executive Engineer, Water Resources Development Department, Bhabhua Project, Noawan, District - Bhabhua.
6. The Junior Engineer, Water Resources Development Department, Bahuara Project, Noawan, District - Bhabhua.

.... .... Appellant/s

Versus

Nathuni Prasad Gupta Son of Late Phekan Prasad Gupta, Resident of Village and P.O. - Mohania, Police Station - Mohania, District - Bhabhua, At present working on Muster Roll, Irrigation Pump Project, Sundar Bahuara, District - Bhabhua.

.... .... Respondent/s

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**Appearance :**

For the Appellants : Mr. Durgesh Nandan, AAG 14

For the Respondents : Mr. Obaidur Rahman, Advocate

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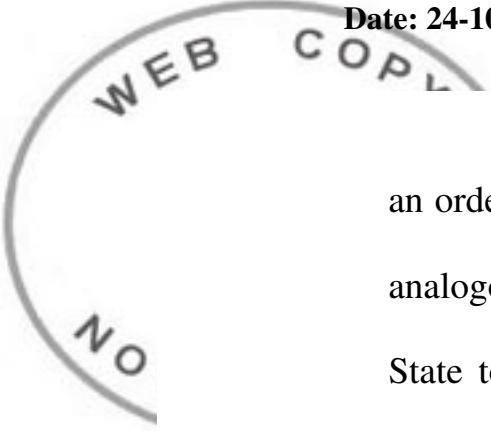
**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA**

**and**

**HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)**

**Date: 24-10-2016**



The challenge in the present Letters Patent Appeals is to an order passed by the learned Single Bench on 19<sup>th</sup> May, 2011 in 12 analogous cases wherein, the learned Single Bench has directed the State to pay the salary to the writ applicants on the same terms as directed by the Division Bench in L.P.A. No. 274 of 1996 (Rajendra Chaudhary vs. State of Bihar) on 18<sup>th</sup> September, 1996.

It is pointed out by learned counsel for the appellants that the order passed by the learned Single Bench has since been set aside in L.P.A. No. 252 of 2012 (The State of Bihar & Ors. Vs. Upendra Prasad Singh @ Upendra Narayan Singh) arising out of C.W.J.C. No. 2602 of 1997.

In light of the aforesaid order, the orders passed in writ petitions cannot be sustained. Letters Patent Appeals are allowed in the same terms as recorded in L.P.A. No. 252 of 2012 (The State of Bihar & Ors. Vs. Upendra Prasad Singh @ Upendra Narayan Singh) decided on 24<sup>th</sup> March, 2014.

Learned counsel for the respondents has pointed out that in one of the L.P.As. 529 of 2015 (The State of Bihar & Ors. vs. Ram Surat Ram), the delay in filing of the Letters Patent Appeal was not condoned and the same was dismissed on 1<sup>st</sup> September, 2016.

We do not find that such order of dismissing the Letters Patent Appeal for the reason that it barred by limitation will not be a binding precedent for this Court as on merits, L.P.A. No. 252 of 2012 was allowed by this Court.

Consequently, the order passed by the learned Single Bench is set aside for the reasons recorded in Upendra Prasad Singh's case (supra) and the writ petitions are denied.

Appeals stand allowed.

**(Hemant Gupta, J)**

**(Ahsanuddin Amanullah, J)**

Anjani/-

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