

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.117 of 2014
Arising out of
Civil Writ Jurisdiction Case No. 2680 of 2007**

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Vijoy Kumar Yadav S/O Sri Krishna Prasad Vill.- Yogeshwar, Upper (Guwal Tola), Distt.- Bhagalpur At Present C/O Biddu Rai, North Mandiri, P.S. Budha Colony, Town and District- Patna

.... Respondent - Appellant

Versus

1. M/S Paradeep Phosphate Limited, a Company Registered Under Indian Companies Act and Having its Registered Office at Pandit Jawaharlal Nehru marg, Bhubneshwar, Distt.- Khurda, Orrisa, Represented Through Its Managing Director, S.S.Nandurdikar

2. Regional Manager, M/S Paradeep Phosphate Ltd. 307, Verma Centre, Boring Road Crossing, Town And Distt:- Patna At Present- 502, Kanak Brij Complex, Boring Road, Patna

.... Writ petitioner / Respondent

3. The State of Bihar

4. The Presiding Officer, Labour Court, Patna

.... Respondents / Respondents

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Appearance:

For the Appellant/s : Mr. Satyendra Krishna Prasad, Advocate.

For the Respondent/s : Mr. Subroteswar De, 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: 08-04-2016

The order dated 05.07.2013 is the subject matter of challenge in the present Letters Patent Appeal. By the said order, though the Writ Application was dismissed but certain observations were made which affects the rights of the respondent no. 3, who was not present at the time of hearing of the Writ Application.

A perusal of the records of the Writ Application shows that the appellant was the respondent no. 3 and was present in court

on 26.07.2012 when the Writ Application was dismissed for non-prosecution. Subsequently, in MJC No. 3841 of 2012 the Writ Application was restored to its original file but in the absence of the counsel for the respondent no. 3. It is thereafter, the Writ Application has been dismissed on 05.07.2013 with certain observations against the present appellant.

We find that the impugned order violates the rights of the appellant when the order was passed in the absence of the appellant. Consequently, we deem it appropriate to set aside the order passed by the learned Single Bench on 05.07.2013 and remit the matter to the learned Single Bench as per roster to decide the Writ Application afresh after hearing the parties.

The Letters Patent Appeal stands disposed off accordingly.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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