

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.59 of 2016

In
Civil Writ Jurisdiction Case No. 3707 of 2011

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Management of Daya Engineering Works (Sleeper) Ltd., Manpur, Gaya
through its Director, Sri Rakesh Ranjan son of Nathun Sahu, Resident of
187, A.P. Colony, Gaya, Bihar.

.... Petitioner/s

Versus

1. The Workmen of Daya Engineering Works (Sleeper) Ltd., Manpur, Gaya represented by District Engineering Shramik Sangh (Unit), Daya Engineering Works (Sleeper) Ltd., Manpur, Gaya through its General Secretary, Sri Yadu Mistri.
2. The Industrial Tribunal, Shram Bhawan, Bailey Road, Patna through its Presiding Officer.
3. The State of Bihar through the Principal Secretary-cum-Commissioner, Department of Labour, Bihar, Patna.

.... Opp. Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.
Mr. Ashutosh Singh, Adv.
For the Opp. Party No.3 : Mr. Prabhakar Jha, G.P. 27

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 23-11-2016 Heard the parties.

The present M.J.C. application has been filed on behalf of the petitioner seeking restoration of C.W.J.C. No. 3707 of 2011, which stood dismissed on 6.5.2015 for want of prosecution.

The aforesaid C.W.J.C. No. 3707 of 2011 was filed on 25.02.2011 and since then more than five years have already elapsed, but all the subsequent developments, which might have taken place during the interregnum period, have not been brought on the record. In that view of the matter, this Court is of the opinion that instead of restoring the aforesaid C.W.J.C. No. 3707 of 2011 to its original file, the interest of justice shall be subserved if the petitioner is granted liberty to file a fresh writ petition in the same subject matter after bringing on record all the

subsequent developments, which might have taken place during the interregnum period. It is ordered accordingly.

If such a fresh writ petition is filed on behalf of the petitioner within a period of eight weeks from today with a certified copy of the present order, then the same shall be considered and decided on its own merit without being prejudiced/ influenced by the dismissal of C.W.J.C. No. 3707 of 2011 by an order dated 6.5.2015 for want of prosecution and that shall not be dismissed on the ground of the principles of res judicata.

The present M.J.C. application stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

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