

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.822 of 2014
IN
Civil Writ Jurisdiction Case No. 24225 of 2013**

- =====
1. The Chairman Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, P.S- Gandhi Maidan, District & Town, Patna.
 2. Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, P.S- Gandhi Maidan, District & Town, Patna.
 3. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, P.S Gandhi Maidan, District & Town, Patna.

.... Appellant/s

Versus

Shailesh Kumar Son of Late Kamta Prasad Srivastava Mukherjee Seminary Road,
P.O- Ramna, P.S- Mithanpura, District- Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rajeev Ranjan Prasad, Advocate
Mr. Niranjan Chatterjee, Advocate
For the Respondent/s : Mr. Prashant Sinha, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 23-03-2017

Heard learned counsels for the parties.

The writ application of the private-respondent was allowed on 12.03.2014 in C. W. J. C. No. 24225 of 2013. A direction was issued to pay full back wages for the period 31.07.2007 to 14.05.2009. This is the period during which the private-respondent was compulsorily retired. Besides that full back wages was also demanded for the period 15.05.2009 to 13.05.2010, that is the period under suspension. The Learned Single Judge after considering the various facets of law and keeping in mind that the



private-respondent was restored back in service, ordered payment of full back wages and quashed the order, passed by the appellants, refusing such prayer.

Learned counsel for the appellant very fairly brings to the attention of this Court an identical matter, which was also allowed, which was the case of Narendra Kumar Yadav and a Letters Patent Appeal was preferred by the Bihar Industrial Area Development Authority. The said appeal was registered as L. P. A. No. 928 of 2014 and Division Bench in a detailed order, dated 23.11.2014, dismissed the appeal of the authority and upheld the decision of the Learned Single Judge for payment of salary for the period in question.

Since the law has already been decided by another coordinate Bench in identical matter, the rational and reasoning, which has been provided by the Division Bench in L. P. A. No. 928 of 2014, shall also be applicable to the present appellant.

The present appeal, therefore, is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	28.03.2017
Transmission Date	

