

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.852 of 2008

-
-
1. The Indian Oil Corpn.Ltd. Barauni Refinery, P.S.- Singhaul O.P. District- Begusarai through its Executive Director
 2. The Senior Human Resources Manager, Indian Oil Corporation Ltd., Barauni Unit, P.S. Singhaul O.P., District- Begusarai
 3. Deputy Manager (Hindi)-cum-Enquiry Officer, Indian Oil Corporation Ltd., Barauni Unit, P.S.- Singhaul O.P., District- Begusarai

... .. Appellant/s

Versus

1. Chittranjan Nath (Ex-Trainee Hostel Mess Care Taker) Employee No. (62689), son of late J.K.Nath, Resident of Q No. F-3/30 R.T.S. PS, P.S. Singhaul O.P. District- Begusarai (Writ petitioner... **Respondent 1st party**
2. Smt. Paro Devi, wife of Chittranjan Nath, Resident of Mohandara Basti, P.S. Mosaboni, District- East Singhbhum, Jharkhand
3. Shanta Nath, wife of Ashok Sarkar, daughter of Chittaranjan Nath, Resident of Mohandara Basti, P.A. Mosaboni, District- East Singhbhum 0- State Jharkhand, Respondent Nos. 4 and 5... **Respondent 2nd party**

Appearance :

For the Appellant/s : Mr. K.N.GUPTA, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 05-09-2017

This appeal has been filed challenging an order passed by the Writ Court in CWJC No. 11127 of 2002 on 22nd September 2008, whereby the employer was directed to reinstate the employee with back wages.



The employee was working in the Corporation and his services were terminated on account of complaint received with regard to marrying a second lady even when his first wife Smt. Paro Devi with a daughter Miss. Shanta Nath were alive. The Writ Court was constrained to interfere into the matter only on account of the fact that a Title Suit with regard to the issue in question being Title Suit No. 138 of 2001 was pending and therefore, pending finalization of the Title Suit, action taken was unsustainable.

Now from the records we find that the Title Suit in question has been decided against the respondent No.1 herein and the appeal filed by him being Title Appeal No. 32 of 2013 has also been dismissed by the Additional District Judge-IV, Begusarai on 24th November, 2016 and the contention of the employee-respondent No.1 has been found to be incorrect and it is found that he has married second lady when the first marriage was in existence. That being so, now in the light of the final order passed in the Title Appeal as indicated hereinabove, the order passed by the Writ Court cannot be sustained.

Accordingly, we dispose of the matter granting liberty to the appellant-Corporation to proceed in accordance with law in the



backdrop of the judgment rendered in the Title Suit and the Title Appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	8.9.2017
Transmission Date	

