

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.672 of 2011

In

Civil Writ Jurisdiction Case No.957 of 2008

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THE STATE OF BIHAR THROUGH AGRICULTURE PRODUCTION
COMMISSIONER DEPARTMENT OF AGRICULTURE, GOVT, OF
BIHAR, PATNA

... .. Appellant/s

Versus

1. PRAVEEN KUMAR @ PRAVIN KUMAR S/O LATE MAHNATH
TIWARI R/O VILL.- RADHIYA, P.S.- GOVINDGANJ, DISTT.- EAST
CHAMPARAN
2. BIHAR STATE AGRICULTURE MARKETING DOARD, BIHAR
ABOLISHED PANT BHAWAN PATNA THROUGH ITS MANAGING
DIRECTOR
3. THE CHAIRMAN BIHAR STATE AGRICULTURE MARKET BOARD
PANT BHAWAN, PATNA (ABOLISHED)
4. THE MARKETING SECRETARY BIHAR STATE AGRICULTURE
MARKETING COMMITTEE (ABOLISHED) MOTIHARI
5. THE SPECIAL OFFICER CUM SUB DIVISIONAL OFFICER
AGRICULTURE PRODUCE MARKETING COMMITTEE (ABOLISHED)
MOTIHARI.
6. THE SPECIAL OFFICER CUM SUB DIVISIONAL OFFICER
AGRICULTURE PRODUCE MARKETING COMMITTEE (ABOLISHED)
CHAKIA
7. THE MARKETING SECRETARY AGRICULTURE PRODUCE
MARKETING COMMITTEE (ABOLISHED) CHAKIA
8. ADMINISTRATOR BIHAR STATE AGRICULTURE MARKETING
BOARD , PATNA

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Mandal, SC-3
Mr. ARJUN PRASAD(AC-SC-3)
Mr. Bipin Kumar, AC to SC-3



For the Respondent/s : Smt. Neelam Kumari, AC to SC-3
Mr. JAI PRAKASH VERMA, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-09-2017

Seeking exception to an order dated 28.9.2010 passed by the learned Writ Court in C.W.J.C. No.957 of 2008, this appeal has been filed under Clause 10 of the Letters Patent.

Even though Shri Mandal, learned Counsel appearing for the State invited our attention to a judgment rendered by a Division Bench of this Court in the case of Nand Kumar vs. State of Bihar & Ors. and the judgment of the Hon'ble Supreme Court in the case of Nand Kumar vs. State of Bihar & Ors., (2014) 5 SCC 300, confirming the decision of the Division Bench and sought for dismissal of the appeal, we find after hearing the learned Counsel for the parties that by the impugned order passed, the learned Writ Court has directed for constitution of a Committee of Secretaries by the State Government and considering the case of the petitioners and other daily wage employees in view of the provisions of Section 6 of the Repeal Act take a decision.



In the case of Nand Kumar (Supra), the learned Division Bench and the Hon'ble Supreme Court have held that the daily wage employees are not entitled for absorption.

Be that as it may, today when the matter is taken up, we are informed that after filing of this appeal by the State Government and during the pendency of the matter, the matter was referred to the Committee of Secretaries and on 27.3.2012, the State Government has taken a decision rejecting the claim of the employees.

That being so, now, based on the recommendation of the Committee the Committee itself having rejected the claim and acted upon the order passed by the learned Writ Court, we are not inclined to enter into the matter any further.

In case the original petitioners, who are challenging the decision of the Committee dated 27.3.2012 for which they had liberty, file a representation, the State Government may decide the same by raising the ground based on the law laid down in the case of Nand Kumar (supra).

For the present, in this appeal, as the order of the learned Writ Court has already been complied with by constituting a Committee and taking a decision, no further indulgence is called for.



With the liberty granted to the appellants to, if so advised, challenge the order dated 27.3.2012 and granting liberty to the State Government to raise all such objections as are permissible under law, this appeal is disposed of.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.Jha/-

AFR/NAFR	NAFR
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