

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.726 of 2014
IN
Civil Writ Jurisdiction Case No. 1200 of 2012**

- =====
1. The Bihar State Electricity Board through Its Chairman, B.S.E.B., Patna, through Its Chairman at present Bihar State Power (Holding) Company Ltd. through sri Manoj Kumar S/o Late D.P. Chaurasiya, Lega Supervisor-I, Bihar State Power Holding Company Ltd Vidyut Bhawan, Bailey Road, Patna.
 2. The Chairman Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna at present the Chairman-cum- Managing Director, Bihar State Power (Holding) Company Ltd., Vidhyut Bhawan, Bailey Road, Patna.
 3. The Secretary Bihar State Electricity Board, Vidhyut Bhawan, Bailey Road, Patna at present Director (HR and Admin) in the Bihar State Power (Holding) Company Ltd., Vidhyut Bhawan, Bailey Road, Patna.
 4. The Member Administration, Bihar State Electricity Board, Patna Presently, Director, HR and Administration, Bihar State Power (Holding) Company Ltd., Vidyut Bhawn, Bailey Road, Patna.
 5. P.K. Govil, The Joint Secretary, Department of General Administration, Bihar State Electricity Board, Patna at present Bihar Power State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna.

.... Appellant/s

Versus

Ashish Kumar S/o Harihar Prasad Resident of Village- Navi Nagar, P.O & P.S- Deep Nagar, District- Nalanda.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anand Kumar Ojha

For the Respondent/s : Mr. Bal Bhushan Chaudhary

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-03-2017

On a joint submission made at the bar that identical issue had already been adjudicated in C. W. J. C. No. 8625 of 2012 and portions of the operative portion was also extracted in the order, dated 20th of December, 2013, C. W. J. C. No. 1200 of 2012 was disposed off. The parties went happy home. But, now a serious



issue has arisen. The order, dated 10/12th of April, 2013, passed in C. W. J. C. No. 8625 of 2012, has been set aside by a detailed order by another Division Bench on 28.06.2016. A copy of which has been produced before this Court.

Since the writ application was disposed off on the foundation laid down in C. W. J. C. No. 8625 of 2012 and the foundational pillar has been knocked out now by the Division Bench, the case which the private-respondent is now trying to make out that his case is distinguishable, is not entertainable, since on the basis of joint submission made by the appellant and the private-respondent, the impugned order, dated 20th of December, 2013 was passed.

For the reasons assigned by the Division Bench in L. P. A. No. 289 of 2014, decided on 28.06.2016, the impugned order dated 20.12.2013 is set aside.

Appeal is allowed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	21.03.2017
Transmission Date	

