

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.4203 of 2013

IN

C. REV. 55 of 2007

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Sattan Das, Son Of Late Gena Das, Resident Of Village Ramna Gaon, Bachachak,
P.S. - Phulwari, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary-Cum-Commissioner, Road Construction Department, Bihar, Patna.
2. The Deputy Secretary, Road Construction Department, Bihar, Patna.
3. The Engineer-In-Chief cum-Additional Commissioner Cum-Special Secretary, Road Construction Department, Bihar, Patna.
4. The Chief Engineer (Mechanical) Mechanical Wing Road Construction Department, Bihar, Patna.
5. The Superintending Engineer Mechanical Road Circle National Highway, Patna.
6. The Executive Engineer, Mechanical National Highway Mechanical Planning Patna.
7. Tuntun Bahadur Thapa, Son of Sri Tek Bahadur Thapa, Resident Of P.W.D. Workshop Adalatganj, P.S. Kotwali, District – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 23-08-2017

The delay in filing of this application is condoned.

Interlocutory Application No.2305 of 2014 stands allowed
and disposed of.

This application has been filed for restoration of Civil
Review No.55 of 2007 which was dismissed as not pressed on
04.07.2012.



Even though various grounds are raised in this application to say that Civil Review No.55 of 2007 should be restored to its original file, but considering the fact that Civil Review was filed in the year 2007, to see whether interest of justice will be served by restoring the Civil Review, we went through the record of Civil Review No.55 of 2007 and we find that the said Civil Review was filed for recalling the order passed in LPA No.194 of 2006 which has been dismissed on 09.01.2017. The LPA was filed for challenging an order passed in the Writ Petition bearing CWJC No.7056 of 2003 on 14.02.2006.

However, learned counsel for the petitioner points out that certain other similarly situated employees, who were working in the work charge establishment were taken back and therefore, in their case, the Hon'ble Supreme Court passed order in Civil Appeal No.782 of 2011 disposing of the matter as having been rendered infructuous. In case, the other similarly situated employees have been taken back after termination of the service of the petitioner, it gives a fresh cause of action to the petitioners and we are informed that invoking the writ jurisdiction, the petitioner has filed a separate writ application which is pending. That being so, once the petitioner has already ventilated their grievance in the said case, now no useful purpose will be served by restoring the Civil Review No.55 of 2007 as the petitioner has already invoked the jurisdiction of this Court due to subsequent development.



In view of the above, no fruitful purpose will be served by restoring the Civil Review No.55 of 2007. The application is dismissed with liberty to the applicant to prosecute the writ petition earlier filed and pending.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2017
Transmission Date	

