

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.488 of 2016
IN
Civil Writ Jurisdiction Case No. 24106 of 2013**

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1. Usha Devi W/o Late Gagan Mahto, Resident of Kalibari Road, Tinpokharia, East of FCI Godown, District-Muzaffarpur
 2. Amit Kumar S/o Late Gagan Mahto, Resident of Kalibari Road, Tinpokharia, East of FCI Godown, District-Muzaffarpur
 3. Manish Kumar, S/o Late Gagan Mahto, Resident of Kalibari Road, Tinpokharia, East of FCI Godown, District-Muzaffarpur
 4. Satish Kumar, Late Gagan Mahto, Resident of Kalibari Road, Tinpokharia, East of FCI Godown, District-Muzaffarpur

.... Appellant/s

Versus

1. The Chairman, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
2. The Regional Manager, Uttar Bihar Gramin Bank, Human Resources Development, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
3. The Chief Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
4. The Senior Manager, Uttar Bihar Gramin Bank, Head Office, Kalambagh Chowk, Muzaffarpur, Bihar
5. Phool Kumar Devi, W/o Late Shaukhi Ram, Resident of vill.- Narkatiyaganj, PO- Bamangama, District- Sitamarhi
6. Rajesh Kumar Ram S/o Late Shaukhi Ram, Resident of vill.- Narkatiyaganj, PO- Bamangama, District- Sitamarhi

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chakrapani, Advocate
For the Respondent/s : Mr. Prabhakar Jha, Advocate
Mr. Mukund Mohan Jha, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT**

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 29-03-2017

Heard learned counsel for the parties.



2. Seeking exception to an order dated 28.1.2015 passed by the learned Writ Court in C.W.J.C. No.24106 of 2013, this appeal has been filed under Clause 10 of the Letters Patent.

3. There being delay of 352 days in filing of the appeal I.A. No.2094 of 2016 has been filed seeking condonation of delay.

4. Before considering various aspects of the matter, it may be taken note of that three writ petitions were decided by the Single Bench on 28.1.2015 by a common order. They were the present writ petition C.W.J.C. No.24106 of 2013 and two other writ petitions being C.W.J.C. No.14896 of 2012 and 24103 of 2013. All the writ petitions were dismissed by the same order and challenging the order passed on 28.1.2015 in C.W.J.C. No.14896 of 2012, a Letters Patent Appeal was filed before a Division Bench of this Court and by an order passed on 11.1.2016, L.P.A. No.1701 of 2015, along with another Letters Patent Appeal, has been allowed and relief granted to the petitioner in C.W.J.C. No.14896 of 2012.

5. We are informed that the order passed in L.P.A. No.1701 of 2015 has been affirmed by the Supreme Court and the S.L.P. filed by the respondent Bank has been dismissed. The petitioner also claims similar benefit now in the light of the order passed on 11.1.2016 passed in L.P.A. No.1701 of 2015 and except for the fact that the appellants are the legal heirs of the employee



who was working with the Bank, there is no distinguishing feature with regard to the merits of the matter.

6. That being so, we are required to consider as to whether the appellants herein, who are the legal heirs of the deceased employee, are also entitled to similar benefits as granted in L.P.A. No.1701 of 2015 and whether the delay in filing of the appeal should be condoned.

7. Having considered the submissions made at length and for the reasons mentioned in the Interlocutory Application, we are satisfied that the appellant has shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal and, therefore, we condone the delay. I.A. No.2094 of 2016 stands allowed.

8. Considering the fact that the employee is identically situated with the appellant who has been granted benefit vide order dated 11.1.2015 in L.P.A. No.1701 of 2015, there is no reason as to why the present appellants, who are the legal heirs of a deceased employee, should not be granted the similar benefit.

9. Keeping in view the aforesaid, we allow the appeal, quash the order dated 28.1.2015 passed in C.W.J.C. No.24106 of 2013 allow the appeal and dispose it of in identical terms as contained in the order dated 11.1.2015 in L.P.A. No.1701 of 2015.



10. The appellants shall also be conferred the consequent benefit within a period of sixty days from the date of receipt/production of a copy of this order.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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