

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2103 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 3687 of 2015**

- =====
1. Shiv Mangal Paswan, son of Late Kuldip Paswan, resident of village-Chanhariya, P.O. Mehshi P.S. Madhuban District West Champaran.
 2. Ajay Kumar Singh, son of Late Mahendra Prasad Singh, Village Pathroar, P.O.-Jaitpur, P.S.- Haspura, District- Aurangabad.

.... Appellant/s

Versus

1. The State of Bihar through its Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. Commissioner-cum-Secretary, Water Resources Department Bihar, Patna.
3. Chief Engineer, Water Resources Department, Samastipur.
4. Superintending Engineer, Flood Control Circle, Khagaria
5. Executive Engineer, Flood Control Division, Begusarai

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Mukesh Kumar Sinha, Advocate Mr. Sanjeet Kumar Sinha, Advocate Mr. Indu Bhushan Pandey, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Md. Kamil Akhtar, A.C. to AAG-5

=====

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

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 21-03-2017

Re.:I.A. No. 9207 of 2015

The application is for condonation of delay of 48 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay in filing the Letters Patent Appeal.



3. Consequently, the Interlocutory Application is allowed and delay in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 2103 of 2015

Having heard learned counsel for the parties, we are of the considered view that this appeal can be disposed of with the following directions:-

In case appellants have a right still subsisting for seeking execution of the Award passed by the Labour Court on 27th of May, 1997, by taking recourse to such remedy as may be provided under the Industrial Disputes Act, 1947, the appellants shall be at liberty to take recourse to the said remedy and all objections as may be permissible and can be raised by the appellants employees can be raised before the appropriate Government where the execution of the Award can be sought. Needless to emphasize that while taking steps for execution of the Award, the learned Authority or the appropriate Government shall not carry away the order passed by the Writ Court on 30th of June, 2015 in C.W.J.C. No. 3687 of 2015 and the same shall not come in the way of the Authorities in getting the Award executed. The Authority shall assess the matter independently considering the objection of the appellants employees and take a decision without being influenced by the order passed in the writ petition.



With the aforesaid liberty to the appellants, the Letters
Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	23.03.2017
Transmission Date	

