

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.861 of 2017
In
Civil Writ Jurisdiction Case No.1438 of 2016

Indian National Trade Union Congress, Begusarai, Deona Chawk, P.S. Barauni, District- Begusarai, through its member namely, Vishundeo Tanti, Son of Ram Sawroop Tanti, Resident of Village- Ninga, P.S.- Barauni, District- Begusarai.

... .. Appellant/s

Versus

1. The General Manager, Indian Oil Corporation Limited Barauni, Refinery, Begusarai, District- Begusarai.
2. Regional Manager, Regional Office, Indian Oil Corporation Limited, Shahi Bhawan, Exhibition Road, Patna.
3. Executive Director, Indian Oil Corporation, Limited, Barauni Refinery, District- Begusarai.
4. The District Magistrate, Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.
For the Respondent/s : Mr.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-09-2018

In the present appeal, on both the occasions, the appellant was absent. Today also, no one appears for the appellant while hearing this appeal.

Feeling aggrieved and dissatisfied with the impugned order passed by the learned Single Judge in C.W.J.C. No. 1438 of 2016 dated 10.05.2017 by which the learned Single Judge has dismissed the petition on the ground of *res judicata* and suppressing material facts in the present writ petition, the original writ petitioner has preferred this present Letters Patent Appeal.



From the impugned order passed by the learned Single Judge, it appears that earlier one C.W.J.C. No. 580 of 2012 (Barauni Refinery Petroleum Lok Mazdoor Lok Sangh Vs. State of Bihar) was filed before this Court with the same prayer which was sought in C.W.J.C. No. 1438 of 2016 and the said writ petition was dismissed on merit vide order dated 17.07.2012.

Despite the above fact, without disclosing the disposal of the earlier writ petition, again the original writ petitioner preferred the another petition being C.W.J.C. No. 1438 of 2016 and the same has been rejected by the learned Single Judge by the impugned order on the ground that the writ petition is barred by principle of *res judicata* as well as on the ground that the original writ petitioner has suppressed the material fact. We see no reason to interfere with the view taken in the impugned order.

Under such circumstances, the present appeal is dismissed.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
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