

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.518 of 2017

In
Civil Writ Jurisdiction Case No.301 of 1994

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Action For Food Production (AFPRO) through D.K. Manavalan at Present
Executive Director, 25/1A, Institutional Area, Pankha Road, D Block,
Janakpuri, New Delhi - 100 050

... .. Appellant/s

Versus

1. The State of Bihar
2. The Presiding Officer, Labour Court, Patna
3. Smt. Prabhawati Kumari, W/o Late Rishi Kesh Singh,
4. Achhaibar Yadav,
5. Ajay Yadav,
6. Sanjay Yadav, Respondent No. 4, 5 & 6 are Sons of Late Rishi Kesh Singh
resident of village - Durgawati, P.O. Durgawati, Distt. - Rohtas at present
residence of Patliputra Colony, Patna 800 013

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Satish Kumar Agrawal, Adv.
For the Respondent/s : Mr. Rohitabh Das, AC to AAG 10
For Respondent Nos.3 to 6: Mr. Amarendra Kumar Pathak, Adv.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-02-2018

There being a delay of 2 years and 17 days in filing
of the appeal, I.A. No.1957 of 2017 has been filed for condonation
of the delay. Keeping in view the reasons indicated in the
application and the fact that the appellants are the legal heirs,
namely the widow and the children of the late proprietor of the



concern Shri D.K. Manavalan who has died, the prayer for condonation of delay is allowed and disposed of.

Seeking exception to an order dated 29.1.2015 passed by the learned Writ Court in C.W.J.C. No.301 of 1994, this appeal has been filed under Clause X of the Letters Patent.

In the matter of setting aside the order passed on 17th of June, 1993 by the Labour Court, Patna, in exercise of power under Section 26(2) of Bihar Shops and Establishment Act, the writ petition and the appeal in question have been filed by the employer and the issue pertains to termination of service of the respondent husband of respondent No.3, namely, Shri Rishikesh Singh and the consequential benefit granted to him by the Labour Court.

During the pendency of the matter and after the death of the original employee, late Rishikesh Singh, the respondents have filed a compromise petition and now we find that the employer and the legal heirs of the original employee, late Rishikesh Singh, who are respondent Nos. 3 to 6, have entered into a compromise which goes to show that on payment of certain monetary benefit the appellants have settled the claim pertaining to the termination and the consequential order passed by the Labour Court with regard to the employee, late Rishikesh Singh and the respondents herein, the wife and the children of late Rishikesh



Singh, are satisfied with the amount paid. In para-1(i),(ii) and (iii) of the compromise petition they say that they have no claim left and the writ petition and the appeal may be disposed of in terms of the compromise entered into between the parties.

Keeping in view the aforesaid, the order passed by the learned Writ Court is quashed and the original award/order passed by the Labour Court on 17th of June, 1993 in Case No.23/1981 stands modified and the appeal is disposed of in terms of the compromise entered into between the parties, as is evident from I.A. No.5971 of 2017.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

K.C.Jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
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