

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1936 of 2016

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Dinesh Rai Son of late Nandlal Rai resident of Village Amarpur P.s Barauni
Chakia Distt Begusarai.

... .. Petitioner

Versus

1. The State Of Bihar through Principal Secretary, Department of Energy, Govt. of Bihar, Patna
2. The Bihar State Electricity Board, through its Chairman , Bihar, Bailey Road, Patna
3. The Managing Director, Bihar State Electricity Board Bailey Road, Patna.
4. The Director Administration, Bihar State Electricity Board, Patna.
5. Barauni Thermal Power Station, Chakia, Begusarai through the Managing Director.
6. The Director Administration, Barauni Thermal Power Station , Chakia Begusarai.
7. The Deputy Director Administration, Barauni thermal Power Station Chakia Begusarai.
8. The General Managing -cum- Chief Engineer Barauni thermal Power Station Chakia Begusarai.
9. The Deputy General Manager, Barauni thermal Power Station Chakia Begusarai.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar Singh
For the State	:	Mr. Ramesh Kumar Singh, AC to GP 15
For Respondents 2 to 9	:	Mr. Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-01-2019 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State as also the learned Counsel appearing on behalf of respondent Nos. 2 to 9.

By instant writ petition, the petitioner has assailed his disengagement from his temporary service as Coal Unloader by order dated 23.6.2000. The petitioner was disengaged about 18 years back. The same was on account of certain illegalities committed during discharge of his duties. The authority



exercising their power in terms of engagement removed the petitioner from his temporary services as Coal Unloader on 24.5.2000. The same was challenged by the petitioner earlier in CWJC No. 10685 of 2015. The petitioner withdrew the writ petition to pursue the matter before the concerned authority. Accordingly on 28.7.2015 this Court allowed him liberty to pursue the matter before the appropriate authority. Having obtained such liberty the order dated 24.5.2000 removing the petitioner was never challenged before any authority.

Without challenging the disengagement the petitioner has prayed for reinstatement before the General Manager -cum- Chief Engineer by his application dated 11.9.2015. The same has been rejected in view of the petitioner's disengagement on misconduct in course of discharge of his duties on daily wages since 24.5.2000. The petitioner has now challenged the same order of disengagement dated 24.5.2000 again in the instant proceeding, for which he had earlier approached this Court in CWJC No. 10685 of 2015.

As noted above pursuant to liberty granted on 28.7.2015 in CWJC No. 10685 of 2015 the petitioner has chosen not to assail the order of disengagement dated 24.5.2000 before any authority.



In absence of challenge of the same pursuant to liberty granted in CWJC No. 10685 of 2015, the petitioner cannot now be permitted to re agitate the same issue in the instant proceeding assailing his disengagement against which he had earlier filed writ petition and withdrew the same.

The writ petition is therefore devoid of merit and is thus dismissed.

(Madhuresh Prasad, J.)

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