

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1498 of 2018

In

Civil Writ Jurisdiction Case No.17805 of 2016

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Deep Narayan Yadav Son of late Bala Prasad Yadav Resident of Village -
Madhurapur, Police Station - Bihpur, District - Bhagalpur.

... .. Appellant/s

Versus

1. The State Of Bihar and Ors
2. The State of Bihar through the Chief Secretary, Old Secretariat, Patna, Bihar.
3. The Secretary, Department of Water Resources cum Chairman, Bihar State Construction Corporation Lim
4. Bihar State Construction Corporation Limited through its Managing Director at its Head Quarter at Kh
5. The Managing Director, Bihar State Construction Corporation Limited, Office at Khwaja Imali, Anisab
6. The Secretary, Administration, Bihar State Construction Limited office at Khawaja Imli, Anishabad,

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Anil Kumar Choudhary, Advocate
For the Respondent/s	:	Mr.Deepak Sahay Jamuar, AC to AAG4
For the BSCL	:	Dr. Anand Kumar, Advocate
		Mr.Ramesh Gupta, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 19-12-2023 The appellant has assailed the order dated 06.09.2018
passed in CWJC No. 17805 of 2016.

2. Perusal of the learned Single Judge order, *prima facie* there is no infirmity. Undisputed facts are that petitioner is stated to be an employee of the Bihar State Construction Limited, the said corporation is stated to have been under



liquidation and subject matter of Company Petition No. 720 of 2017 is pending consideration before the National Company Law Tribunal, Kolkata Bench (for short 'NCLT'). This position has been taken note of and further Employees Union have already entered their appearance before the NCLT on 17.08.2018. Further, in Para 6 of the order of the learned Single Judge he has extracted the orders of the Apex Court passed in Special Leave Petition (C) No(s). 16159 of 2017.

3. Taking note of these issue the learned Single Judge proceeded to dispose of the petitioner's petition, liberty to the petitioner either to intervening in the pending NCLT matter or await for outcome of the proceedings. Therefore, there is no infirmity in the order of the learned Single Judge dated 06.09.2018 so as to interfere and allow the LPA.

4. Accordingly, the present LPA No. 1498 of 2018 stands rejected.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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