

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.162 of 2021

In
Civil Writ Jurisdiction Case No.17726 of 2012

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The Management of Ashok Paper Mills Ltd., Rameshwar Nagar, P.S. Ashok Paper Mill, Darbhanga through its Authorised Signatory Mrs. Bela Godha, W/o Late Dharam Godha, Resident of C-39, 2nd Floor, Greater Kailash 1, New Delhi, Greater Kailash S.O. South Delhi- 110048.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Labour Resources Department, Vikas Bhawan, New Secretariat, Bailey Road, Patna.
2. Workmen represented by General Secretary, Ashok Paper Mill Kamgar Union, Rameshwar Nagar, Darbhanga.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Anurag Saurav, Advocate Mr. Abhishek Kumar, Advocate Ms. Prity Kumari, Advocate Ms. Sharda Raje Singh, Advocate
For the Respondent/s	:	Mr. P.K. Shahi, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 31-07-2024

The appellant is the management, who challenged the award of the Labour Court passed on 08.11.2007 by a writ petition. The challenge was on the ground that it was an *ex-parte* award. The learned Single Judge, after considering the entire facts, dismissed the writ petition. We will not go into the merits of the matter since there is one other compelling circumstance which prevents us from looking into the appeal at



all.

2. We were surprised that the judgment dated 24.09.2012 is challenged in the instant appeal instituted in the year 2021.

3. The learned Senior Counsel appearing for the appellant, on instructions submitted before us that an earlier appeal was once dismissed for default and while rejecting restoration there was liberty granted for filing a fresh appeal.

4. The learned Government Advocate has produced the order in MJC No. 4468 of 2018 in LPA No. 593 of 2014 dated 30.06.2020. We extract the said order:-

The petitioner has prayed for the following relief:

“For restoration of LPA NO. 593 of 2014 arising out of CWJC No. 17726 of 2012 which was dismissed for default vide order dated 05.03.2018 passed by Hon’ble Mr. Justice Ajay Kumar Tripathi and Hon’ble Justice Smt. Nilu Agrawal of this Hon’ble Court.”

*We do not find any sufficient reason to allow the instant petition seeking restoration of the appeal i.e. L.P.A.No. 593 of 2014, which stands dismissed for non-prosecution not on one but on three occasions.
As such, petition is dismissed.*

5. The judgment was once appealed, and it was not



prosecuted. The appeal was dismissed for default; not once, but thrice. There is no liberty granted, and we are surprised that the learned Senior Counsel was instructed to submit that liberty was granted, to file a fresh appeal.

4. We dismiss the appeal with exemplary costs of Rs.50,000/- on the appellant, payable to the Bihar State Legal Services Authority. The said amount will have to be paid within a period of two weeks, failing which the Bihar State Legal Services Authority will be entitled to proceed for recovery by taking measures similar to recovery of arrears due on land through the District Magistrate, in which event the appellant shall also be liable for the charges incurred for making such recovery, which have to be recovered by the State.

5. Let a copy of this judgment be transmitted to the Member Secretary, Bihar State Legal Services Authority.

6. The LPA stands dismissed with costs.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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CAV DATE	
Uploading Date	01.08.2024.
Transmission Date	

