

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.165 of 2022

In

Civil Writ Jurisdiction Case No.5552 of 2020

Manager (P and IR), L.I.C of India Divisional Office- II, P.S. Kotwali, Town
and District- Patna.

... .. Appellant/s

Versus

1. Tunna Kumar Son of Ramkrishna Ram, Resident of - East Lohanipur, Pustkalya Lane, P.S. Kadam Kuan, District- Patna.
2. Raj Kumar, Son of Jitendra Ray, Resident of Chandmari Road, Sakuntlaya Bhawan, P.S. - Kankarbagh, District- Patna.
3. Manju Devi W/o Late Kanhaiya Lal Gupta, R/o Azad Nagar, South Chandmari Road No. 1, P.S. Kankarbagh and District- Patna.
4. Rahul Kumar, S/o Rajendra, R/o Satgharwa, B.M. Das Road, P.S. Pirbahore, District- Patna.
5. Raju Kumar Son of - Rajendra Prasad, R/o Salimpur Ahara, Gali No. 2, P.S. - Kadam Kuan, District - Patna.
6. Pawan Singh Son of Late Rajendra Singh, R/o Village - Judawanpur, P.S. Raghapur, District - Vaishali.
7. Jyoti Kumar Son of Prakash Ram, R/o Mohalla - Turha Toli, Anand Bazar, P.S. Danapur, District - Patna.
8. Dharmendra Kumar, Son of Rajeshwar Prasad Singh, Resident of Village- Byapur, P.S.- Maner, District- Patna.
9. Deepak Ram @ Deepak Kumar, S/o - Late Mohan Ram, resident of Bus Paraw Road, Arrah, P.S. Nawada, District- Bhojpur.
10. Khurshid Ahmad, S/o Manjur Ahmad, Resident of Pakri Arra, P.S. Nawada, District- Bhojpur.
11. Sachchidanand Singh S/o Tipan Prasad Singh, Resident of Village - Piprahiyan, P.S.- Arrah Muffasil, District - Bhojpur.
12. Prem Shankar Lal Son of - Sudeshi Lal, Resident of Village- Mokhlisa, P.S. Koelwar, and District- Bhojpur.
13. Ajay Kumar Ojha Son of Satyanarayan Ojha, Resident of Village- Kataiya, Bihiyan, and District- Bhojpur.
14. Akhilesh Kumar, Son of Sudama Singh, Resident of Village- Karkhiyan Banahi, P.S.- Tiyyar, District - Bhojpur.
15. Kumar Sameer, Son of Late Dadan Prasad, R/o - Village - Badhani, P.S.- Charpokhari, District- Bhojpur.
16. Satendra Kumar, Son of Late Washisth Narayan Singh, Resident of Mohalla - Tari Arrah, P.S. Town P.S., District - Bhojpur.
17. Md. Shahabddin Son of Late Md. Ayub, Resident of Mohalla - Kazi Tola Arrah, P.S.- Town P.S., District- Bhojpur.



18. Bablu Kumar Gupta Son of Kanhaiya Prasad Gupta, Resident of Godna Road Pariya Toli Arrah, P.S.- Nawada, District - Bhojpur.
19. Rupak Kumar Sinha S/o Late Madan Prasad, R/o Village - Basdila, P.S. - Gopalganj, District - Gopalganj.
20. Hareram Sah, Son of Prem Sagar Sah, Resident of Village- Harkholi, P.S. - Mirganj, District- Gopalganj.
21. Munna Tiwari, Son of Subhash Chandra Tiwari, Resident of Village- Balesra, P.S.- Uchkagaon, District - Gopalganj.
22. Gopal Paswan Son of Sri Rang Bahadur Paswan, Resident of Village - Baliyan Kothi, P.S.- Nasriganj, District- Rohtas.
23. Nand Lal Paswan, Son of Sri Rang Bahadur Paswan, Resident of Village- Baliyan Kothi, P.S. - Nasriganj, District - Rohtas.
24. Uma Shankar Pandey, Son of Rama Nand Pandey, Resident of Village- Baliyan Kothi, P.S.- Karakat, District- Rohtas.
25. Upendra Kumar Ojha Son of Rameshwar Ojha, Resident of Village- Ojhbliya, P.S.- Indrapuri, District - Rohtas.
26. Dharmendra Kumar, Son of Ramayan Prasad, Resident of Village and P.O. Bikramganj, District- Bimrakganj.
27. Krishna Kumar Son of Lal Mohar Singh, Resident of Village- Gajadhar Ganj, P.S.- Buxar, District - Buxar.
28. Madhurendra Kumar Sharma Son of Narendra Kumar Sharma, Resident of Mohalla- Bari Tola, P.S.- Buxar Town, District- Buxar.
29. Birendra Kumar Ray, Son Jadunath Ray, Resident of Village- Dumraon, P.S. - Dumraon, District - Buxar.
30. Sikandar Ram Son of - Yogendra Ram, Resident of Gyanisah Chouk Ratanpura, P.S.- Bhagawan Bazar, District - Saran.
31. Mukesh Kumar, Son of Sudesh Rawat, Resident of Village - Rampur, P.S. Khaira, District- Saran.
32. Om Prakash Son of Sukhdeo Prasad, Resident of Jay Prakash Nagar, P.S. - Bhagwan Bazar, District - Saran.
33. Sani Kumar Son of Shatrughan Ram, Resident of Gyanishah Couk Ratanpura, P.S. - Bhagwan Bazar, District- Saran.
34. Ganesh Prasad Son of Late Bhola Prasad, Resident of Dahiyawan Mubarak Lane, P.S.- Town (Chhapra), District - Saran.
35. Md. Jalaluddin Son of Habib Miyan, Resident of Gudri Bazar, P.S. Bhagwan Bazar, District - Saran.
36. Manoj Kumar Son of Late Dharmnath Prasad, Resident of Rauza, P.S. Chhapra, District- Saran.
37. Abhinav Kumar Son of Chote Lal Manjhi, Resident of Dahiyawan, P.S. Chapra Town P.S., District- Saran.
38. Awadhesh Kumar, Son of Triloki Prasad, Resident of Daiyawan Mission Road, P.S.- Chapra Town, P.S. District - Saran.
39. Narendra Kumar, Son of Janardan Singh, Resident of Village - Pahari Chak,



- P.S. Sanpur, District -Saran.
- 40. Khursid Eqbal Son of Late Ash Mohammad, Resident of Gudri Bazar, P.S. Bhagwan Bazar, District - Saran.
 - 41. Manoj Kumar @ Manoj Sah Son of Majistar Sah, Resident of Village - Kalhuan, P.S.- Karhaura, District - Saran.
 - 42. Anita Kumari, Wife of Sunil Kumar Ram, Resident of Village- Chainpur, P.S.- Marhaura, District- Saran.
 - 43. Vinay Kumar Son of Bharat Singh, Resident of Village - Abhilaspur, P.S. Bhabhua, District - Kaimur.
 - 44. Ashok Prasad Son of Yamuna Prasad, Resident of Village - Ruppur, P.S. Bhabhua, District- Kaimur.
 - 45. Rajesh Kumar Goand Son of Kanhaiya Prasad Goand, Resident of Village- Takiya, P.S. Sasaram, District - Rohtas.
 - 46. Kamal Kishor Son of Vishwanath Prasad, Resident of Mohalla - Kotha Toli, P.S. Sasaram, District - Rohtas.
 - 47. Arvind Kumar Son of - Late Gopal Singh, Resident of Mohalla - D.M. Colony, Fazalganj, P.S.- Sasaram, District- Rohtas.
 - 48. General Manager, L.I.C. of India, Central Office, Mumbai.
 - 49. Sr. Zonal Manager, L.I.C. of India, East Central Office, Patna.
 - 50. Sr. Divisional Manager, L.I.C. of India, Divisional Office- II, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Prasad Singh, Sr. Advocate
Mr. Rakesh Kumar, Advocate
Mr. Abhimanyu Vatsa, Advocate
For the Respondent/s : Mr. Siya Ram Shahi, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

5 10-07-2024 The appellant, represented by Mr. Umesh Prasad Singh, learned Senior Counsel, challenges the interim order passed in the writ petition.

2. On a reading of the order, we find that the writ



petition was filed challenging the decision of the Senior Divisional Manager to stop the practice of having daily wage employment. Annexure-2 was the order challenged in the writ petition. The impugned order in the appeal found that since the persons who are engaged on daily wages, as on the date of the order, had locus standi to challenge the said order and granted stay.

3. The appellant has filed the appeal on the ground that it was a policy decision to discontinue daily wage employment and there was no question of any right conferred on the daily wage employees to be continued. It is also contended that the petitioners had not produced any evidence to substantiate their claim of long engagement in daily wage employment.

4. We were of the opinion that there is nothing to be interfered in appeal especially since the appeal itself was filed in the year 2022 and more than two years have elapsed from the date of registration of the appeal, which is on 12.04.2022.

5. The learned Senior Counsel and the learned Counsel appearing for the respondents inform us that the writ petition is still pending.

6. In such circumstances, the Registry will post the



matter peremptorily before the learned Single Judge who has Roster. We request the learned Single Judge to expedite the hearing of the matter.

7. With the above observation, and absolutely no observation on merits, we close the appeal.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

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