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Court : Patna

Decided On : Nov-10-2003

Judge : Narayan Roy, J.

Acts : Service Law

Appeal No. : C.W.J.C. Nos. 10696, 10742 and 12117 of 1998

Appellant : Arvind Kumar Sinha and ors., Ramendra Prasad and Sikandra Prasad

Respondent : State of Bihar and ors.

Advocate for Def. : J.D. Singh, GP I

Advocate for Pet/Ap. : Satya Narayan Prasad, Adv.

Disposition : Application dismissed

Judgement :

Narayan Roy, J.

1. Heard Counsel for the parties.

2. All these writ applications involve similar questions of law and facts, therefore, they have been heard together and are being disposed of by this common order.

3. These writ applications are directed against the order of termination of the petitioners, as contained in Annexure-1 dated 8-9-1998, whereby and whereunder they have been terminated, as they have been appointed after 1-1-1988, as per the direction of this Court after giving one month's advance remuneration to them as required under Section 25F of the Industrial Disputes Act.

4. Learned Counsel appearing on behalf of the petitioners submitted that since the petitioners had worked even on daily wages since 1987, they could not have been terminated rather their cases could have been considered for regularisation.

5. A detailed counter-affidavit has been filed on behalf of the respondents stating therein that as per the decision of this Court rendered in C.W.J.C. No. 121 of 1992, (Ashok Kumar Singh and Ors. v. State of Bihar and Ors.), the appointment of the petitioners has been found to be illegal, and therefore, they have been terminated after giving them one month's remuneration.

6. Learned Counsel for the State with reference to the counter-affidavit has submitted that the judgment of this Court as rendered in Ashok Kumar Singh and Ors. v. State of Bihar and Ors., has been upheld by the apex Court.

7. In view of these legal propositions, these writ applications are liable to be dismissed, as the petitioners appear to be similarly situated to the petitioners of C.W.J.C. No. 121 of 1992.

8. These writ applications, therefore, are dismissed.

9. However, in case the respondent authorities proceed to fill up the Class IV vacancies under them and the petitioners, if apply, their cases would be considered alongwith other eligible candidates in accordance with law.

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