

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.444 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 25340 of 2013
Along with
Interlocutory Application No.2050 of 2015

=====

Srikant Jha, S/o - Late Braj Nandan Jha, resident of village-P.O.-Harka Man Shahi
Via-Minapur Distrcit-Muzaffarpur at present resident of New Area Baluaghat
Mithila Nagar P.S. Nagar Muzaffarpur, District-Muzaffarpur.

.... Petitioner -Appellant/s

Versus

1. The Union of India through Managing Director, F.C.I., Head Quarter 16/20
Bara Khambha Lane, New Delhi.
2. The Executive Director (Zonal Manager) F.C.I., 10, Midilton Raw Kolkata.
3. The General Manager, F.C.I., Arunachal Building, Exhibition Road, Patna.
4. The District Manager, F.C.I., Silliguri.
5. The Area Manager, F.C.I., Area Office, Imallichatti, Muzaffarpur.
6. The Manager Food Storage Deport, NRPA, Muzaffarpur
7. The Manager (Accounts) F.C.I., District Office, Motihari

.... Respondent/s

=====

Appearance :

For the Appellant : Mr. Avinash Kumar, Advocate
Mr. Amaresh Kumar Sinha, Advocate

For the Respondent-F.C.I : Mr. Prabhakar Tekriwal, Advocate
Mr. Shashi Dhar Jha, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 28-07-2016

Re.: Interlocutory Application No.2050 of 2015

The application is for condonation of delay of 40 days in
filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.
Consequently, we condone the delay in filing of the present Letters

Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.444 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 17th June, 2014 whereby, the writ application was dismissed against an order deciding the representation of the appellant on 24th of November, 2011.

2. The claim of the appellant is that he was working as Boiler Attendant and that his cadre should have been changed to Assistant Grade- II with effect from 1990 and to Assistant Grade-I with effect from 2002.

3. Admittedly, the appellant superannuated on 31st March, 2010. In substance, the claim of the appellant is for change of cadre as other juniors to him were permitted to change of cadre and promoted.

4. Earlier, the appellant filed CWJC No.14793 of 2009 which was decided on 07th of November, 2009 with a direction to the respondent- Executive Director (E) Zonal Office, Kolkata to consider the representation of the appellant. In pursuance of such direction, an order has been passed on 27th of January, 2010 rejecting the claim of the appellant and finding that none of the juniors have been promoted, in fact, they are seniors and that there is no merit in the claim of the appellant.

5. The petitioner filed a contempt petition alleging that his

claim has not been considered by the Executive Director (EZ). It is thereafter; the Executive Director considered the claim of the appellant and passed a speaking order on 24th of November, 2011. It was found that there is no change of cadre in respect of Hari Shankar Prasad Singh and Phudena Singh and that the appellant would be governed by the Assured Career Progression Scheme which has been sent to the Ministry for approval.

6. The grievance of the appellant is that in respect of change of cadre. His representation has been considered in the light of the direction issued by this Court and not accepted. The present writ application was filed after his superannuation on 31st of March, 2010. We find that the reasoning given by the respondent-Executive Director (East Zone) in the order dated 27th January, 2010 cannot be said to be suffering from any patent illegality or irregularity which may warrant interference in the present Letters Patent Appeal. None of the juniors have been promoted and claim for financial up gradation has been sent for approval.

7. The Letters Patent Appeal is, therefore, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	
Uploading Date	02.08.2016
Transmission Date	

