

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.201 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1597 of 2014
Along with
Interlocutory Application No.932 of 2015**

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1. The Bihar State Financial Corporation, Fraser Road, Patna through its Managing Director.
 2. Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
 3. Deputy Manager (P&A), Bihar State Financial Corporation, Fraser Road, Patna.
- Respondents- Appellants

Versus

Upendra Lal Karn, Son of Late Pancheshwar Lal Das, Resident of 308, Urvashi Apartment, New C.G. Nagar, P.S. Patrakarnagar, Kankarbagh, District-Patna.

.... Writ petitioner-Respondent

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Appearance :

For the Appellants : Mr. Nikhil Kumar Agrawal, Advocate
For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 08-04-2016

Re.: Interlocutory Application No.932 of 2015

The application is for condonation of delay of 100 days in filing of the appeal.

For the reasons mentioned in the application, we find that sufficient cause is disclosed for condonation of delay. Consequently, the delay of 100 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.201 of 2015

The learned Single Bench has allowed the writ application on 04.04.2014. The order is challenged in the present Letters Patent Appeal wherein the appellants have been directed to pay salary and other allowances to the writ applicant for the period 1st of August, 2007 to 31st of July, 2009 excluding the amount which he has received while working on contract basis i.e. Rs.1,45,032/-.

The writ applicant was the Manager (Technical) under the appellant-the Bihar State Financial Corporation. The State of Bihar enhanced the age of superannuation of its employees from 58 to 60 vide Resolution dated 24th March, 2005. The claim of the writ applicant was that his age of superannuation also stood enhanced to 60 years in terms of the decision of the appellants in view the decision of the State Government. It is the said decision which has been given effect to by the learned Single Bench vide the order impugned in the present Letters Patent Appeal.

Learned counsel for the appellants has argued that the writ applicant was gainfully employed after he stood retired by the Corporation and, therefore, for such period, the writ applicant is not entitled to any wages and not the wages drawn by him, i.e. Rs.1,45,032/-.

We do not find any merit in the argument raised. The writ

applicant is entitled to the salary which he would have earned, had he been retired on attaining the age of 60. Since, in the meantime, he has worked for sometime on a contract basis, wages drawn by him alone would be adjusted, i.e. Rs.1,45,032/-.

Learned counsel for the appellants points out that amount of Rs.1,43,152/- has been paid to the writ applicant towards the salary from 1st July, 2007 till 24th January, 2008. If it is so, the appellants will pay the balance amount to the writ applicant in accordance with law.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant any interference in the present intra-court appeal.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

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