

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14477 of 2014

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Ali Ahmad, son of late Abdul Samar, resident of Mohalla – Anwar Colony,
Danbad, Umar Dargah Lane Jalla Gali, Near Nityanand Ka Kuan, P S – Khajekala,
District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Urban Development Department, Govt. of Bihar,
Patna.
3. The Patna Municipal Corporation through its Municipal Secretary, Bihar, Patna.
4. The Municipal Commissioner, Patna.
5. The Additional Municipal Commissioner (Establishment), Patna Municipal
Corporation, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh
For the Respondent/s : Mr. JAWAHAR PD. KARN, AAG 4
Mr. Ranjeet Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 26-04-2016

It is the claim of the petitioner that he was engaged as a
daily wager w.e.f. 01.10.1989 under the erstwhile Patna Regional
Development Authority.

As is known that the said authority was abolished and the
necessary legislation repealed. As per the new arrangement no doubt
the assets and liabilities vested in the Patna Municipal Corporation but
looking at the status of the petitioner there cannot be a presumption
that even his service was taken over by the Municipal Corporation.

Irrespective of the above position, even if what the
petitioner has asserted in the writ application is correct that he was

disengaged by the Municipal Corporation for one day's absence from duty and therefore, a mandamus can be issued for his reinstatement is a far fetched prayer to make looking at the status of the petitioner and keeping in mind that such a disengagement was issued on 25/10/2011 and almost five years have gone past now since petitioner has had no relationship with the respondent Municipal Corporation in any capacity.

Certain leeway in such matter will have to be given to the authority and the Court in the given facts and status of the petitioner will not issue a mandamus for his reinstatement merely because some one in the system for whatever consideration had initiated a proposal in the year 2013 for his reinstatement.

Writ application has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	26/04/2016
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