

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.662 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 5033 of 1998
Along with
Interlocutory Application No.2857 of 2015

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1. The Bihar State Food and Civil Supplies Corporation through the Managing Director, Sone Bhawan, 5th Floor, Birchand Patel Marg, Patna.
 2. The Managing Director, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, 5th Floor, Birchand Patel Marg, Patna.
 3. The Chief of Administration, Bihar State Food & Civil Supplies Corporation, Sone Bhawan, 5th Floor, Birchand Patel Marg, Patna.
 4. The District Manager, State Food Corporation, Chapra, Dist Saran at Chapra.

.... Respondents- Appellant/s

Versus

Irfan Ahmad Khan, Son of Shri Islam Khan, Resident of Dahiyawan, P.S. - Town Chapra, District – Chapra.

.... Petitioner-Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh, Advocate

For the Respondent/s : 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: 19-08-2016

Re.: Interlocutory Application No.2857 of 2015

The application is for condonation of delay of 130 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.662 of 2015



The challenge in the present Letters Patent Appeal is to an order dated 27th of August, 2014 whereby, the order passed by the Managing Director of the appellant-Corporation on 09th of May, 1998 was set aside whereby, the writ applicant was removed but with the liberty to the appellants to consider the matter of regularization of the writ applicant as to whether his case for regularization falls within the parameters of the policy decision and relevant laws. The payment of backwages was also left open.

2. It appears that the services of the writ applicant were terminated on 18th of May, 1996 for the reason that he was not engaged prior to 1st of August, 1985 and, therefore, not entitled to be regularized and that the District Manager, Chapra was not competent to appoint the writ applicant. In terms of the earlier directions of this court, the representation of the writ applicant was considered and the termination of the writ applicant was maintained.

3. Once the liberty has been granted to the appellants to consider as to whether the writ applicant is entitled to be regularized or not, including the period of payment of back wages for the intervening period, we do not find any error in the order passed by the learned Single Bench as none of the rights of the appellant are affected by such

an order. It is expected of the appellant-Corporation that it shall consider the claim of the writ applicant in the light of recent Full Bench Judgment of this Court in Ram Sevak Yadav Vs. The State of Bihar & Ors. Case, 2013 (1) PLJR 964 for regularization in accordance with law expeditiously.

4. The present Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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