

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.217 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 21992 of 2012
Along with
Interlocutory Application No.999 of 2015

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Ram Babu Rai, Son of Shresth Rai, resident of Village - Mushaharnia P.S -
Sonbarsha, District - Sitamarhi.

.... Petitioner- Appellant

Versus

1. The State of Bihar
2. The Commissioner-cum-Secretary, Road Construction Department, Bihar, Patna.
3. The Engineer-in-Chief-cum Additional Commissioner cum-Special Secretary, Road Construction Department Bihar, Patna.
4. The Chief Engineer, Road Construction Department, North Bihar Circle, Darbhanga.
5. The Superintending Engineer Road Construction Department, North Circle, Muzaffarpur.
6. The Executive Engineer Road Construction Division, Sitamarhi, District-Sitamarhi.
7. The Assistant Engineer, Road Construction Sub - Division Sitamarhi, District – Sitamarhi.

.... Respondents-Respondents

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Appearance :

For the Appellant : Mr. Kripa Nand Jha, Advocate

For the Respondents : Mr. R. B. N. Singh, A.C. to G. P.-9

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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: 21-04-2016

Re.: Interlocutory Application No.999 of 2015

The application is for condonation of delay of 225 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 225 days in filing of the appeal is condoned.

Interlocutory Application stands disposed of accordingly.

Re.: Letters Patent Appeal No.217 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 31st of March, 2014 passed by a learned Single Bench of this Court in CWJC No.21992 of 2012 whereby the claim of the appellant for regularization of his service was declined.

As per the appellant, he worked from the year 1983 till the year 1987 for total days of 1065 and that in terms of the Circular of the Government of Bihar dated 16th of March, 2006, his services are liable to be regularised.

A perusal of the chart allegedly given by the Executive Engineer appearing at page no.56 to the writ petition shows that the appellant was appointed firstly in July, 1983 and had worked for 1065 days from the said date till February, 1987.

Learned Single Bench has found that the appellant has not worked since the date of his disengagement in the year 1987 and had not completed 240 days in any one calendar year. The Circular of the Government of Bihar dated 16th of March, 2006 shows that those who have worked at least 240 days in each year for five years prior to 11.12.1990, their services can be regularized but, the appellant is not the one who satisfies such condition.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

The Letters Patent Appeal thus stands dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	
Transmission Date	