

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1139 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 6148 of 2008
Along with
Interlocutory Application No.4786 of 2015

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Dr. Ravi Bhushan Sharma, son of Late Manoranjan Sharma, resident of Village + P.O. - Jihuli , P.S. - Dhaka, District- East Champaran , presently resident of 2- H/ 26, Bahadurpur Housing Colony, P.O. + P.S.- Kankarbagh, Town + District- Patna.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar.
2. The Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
3. The Deputy Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, New Secretariat, Patna.
4. The Under Secretary, Department of Health, Medical Education and Family Welfare, Government of Bihar, New Secretariat, Patna.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Patanjali Rishi, Advocate
For the Respondent/s	:	Mr. Yogendra Pd. Sinha, A.A.G.-7
		Mr. R. S. Singh, A.C. to A.A.G.-7

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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: 04-10-2016

Re.: Interlocutory Application No.4786 of 2015

The application is for condonation of delay of 27 days in filing of the present Letters Patent Appeal.

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.

Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1139 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 26th March, 2015 whereby, the claim of the appellant for retiral benefits remained unsuccessful.

We find that the present appeal is by a shameless citizen, who having worked only for a period of two years, but seeking retiral benefits. The service of the appellant was regularized as Assistant Civil Surgeon vide Notification dated 12.12.1972, but he was relieved on 19th July, 1974 when he was granted leave for higher study in United Kingdom. The appellant claims to have returned back on 17th July, 1982 and said to have submitted his joining report which was not accepted. It may be noticed that the appellant did not apply for extension of leave at any point of time, except while proceeding abroad in 1974 for higher study. After attaining the so-called age of superannuation on 31.05.2003, the appellant filed the present writ application in the year 2008 for claiming pensionary benefits.

The learned Single Judge has rightly dismissed the said writ application for the reason that the appellant has no right to get retiral dues as he abandoned his job way back in 1974. The appellant did not file any rejoinder to the counter affidavit filed on behalf of the

State that the appellant never joined the Department as alleged by him. It is a case of voluntary abandonment of job which is sought to be disputed after more than 34 years of abandonment.

It is amazing to see that such a person, who has worked for less than 2 years, has the audacity to invoke the jurisdiction after 34 years for claiming retiral benefits. We find that the appellant has abused the process of law by invoking the jurisdiction of this Court by totally frivolous writ application, and later the present Letters Patent Appeal.

Consequently, the present Letters Patent Appeal is dismissed with cost of Rs.5,000/- (Rupees five thousand). The cost to be deposited with the Patna High Court Legal Services Committee within one month from today.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	A. F. R.
CAV DATE	N. A.
Uploading Date	06.10.2016
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