

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1170 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9747 of 2010**

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Ravindra Kumar Chakarverty, Son of Late Harinandan Singh, resident of village -
Bhusarda, P.O. - Kohara, Police Station - Arabal, District - Arabal.

.... Appellant/s

Versus

1. The State of Bihar through Commissioner cum - Secretary Department of Road Construction, Government of Bihar, Patna.
2. Commissioner cum Secretary, Department of Road Construction, Government of Bihar, Patna.
3. Chief Engineer, Adverse Planning Up Bhag Road.
4. Deputy Secretary, Road Construction Department, Government of Bihar, Patna.
5. Construction Department, Government of Bihar, Patna.
6. Superintending Engineer, Advance Planning Circle Road, Construction Department, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Kumar, Advocate.
Mr. Shashi Kumar, Advocate.
For the Respondent/s : Mr. Rajeev Shekhar, A.C. to G.A.-13.

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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: 06-10-2016

Re.:I.A. No. 4889 of 2015

The application is for condonation of delay of 546 days in
filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellant has shown sufficient
cause to seek condonation of delay of 546 days in filing the present

Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 4889 of 2015 is allowed and delay of 546 days in filing the Letters Patent Appeal is condoned.

Re.: L.P.A. No. 1170 of 2015

The challenge in the present Letters Patent Appeal is to an order dated 13th of April, 2011 passed by the learned Single Bench of this Court in C.W.J.C. No. 9747 of 2010 whereby, the writ application was dismissed with cost of Rs. 5,000/-.

2. The appellant claims reinstatement/absorption of his services having worked as Accounts Clerk from 22nd of August, 1984 to 31st of June, 1985.

3. A perusal of the record shows that earlier petitioner filed C.W.J.C. No. 4597 of 1986 which was dismissed on 10th of November, 1986. Thereafter, petitioner filed another writ application C.W.J.C. No. 12441 of 1993 which was dismissed on 22nd of February, 1995 when the following order was passed:-

“Heard counsel for parties.

Counsel for the petitioner submits that for the same relief the petitioner had earlier moved this Court by C.W.J.C. No. 4597 of 1986, but the same was rejected on 10-11-1986 by a Division Bench. Such being the position, no relief can be granted to the petitioner. He submits that other persons similarly placed, as the petitioner, have been reinstated. Even if that be so, in view of the earlier order of this Court dismissing the writ petition of the

petitioner, I cannot entertain a second writ petition on the same cause of action.

This writ petition is, therefore, rejected.”

4. It is thereafter, in the year 2010 petitioner again filed the present writ application claiming the same relief as was claimed in earlier petitions, which has been rightly dismissed with costs.

5. The petitioner has worked for almost 10 months way back in the years 1984-85. There is no policy which permits reinstatement or absorption of such an employee and that too after more than 15 years of the engagement. The present appeal is, thus, totally misconceived. Similar claim of the appellant has remained unsuccessful in two writ applications filed earlier. The appellant cannot invoke the jurisdiction of this Court time and again for the same relief. Therefore, we do not find any merit in the present appeal. The same is dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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