

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Review No.8 of 2017**

**IN**

**LPA 409 of 2012**

- =====
1. The State of Bihar through the Commissioner-cum-Secretary, Department of Personnel and Administrative Reforms (now General Administration Department), Government of Bihar, Patna.
  2. The Commissioner-cum-Secretary, Public Health Engineering Department, Government of Bihar, Patna.
  3. The Engineer-in-Chief, Public Health Engineering Department, Government of Bihar, Patna.
  4. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
  5. The Superintending Engineer, Public Health Engineering Department, Government of Bihar, Patna.
  6. The Executive Engineer, Public Health Division, Munger.
  7. The Sub-Divisional Officer, Public Health Division, Kharagpur, Munger.
  8. The Executive Engineer, Public Health, Water Supply Division, Jamui.
  9. The Sub-Divisional Officer, Public Health Division, Kharagpur, Munger.

.... .... Petitioner/s

Versus

Ram Krishna Tanti son of Late Rajeshwar Tanti resident of village - Tuniyahi, P.O. - Purikh (Purushottampur), P.S. - Bihra, District - Saharsa.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Respondent/s : Mr. Shashi Priya Pathak, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 09-08-2017**

There is delay of 60 days in preferring the review application, for which a limitation petition, namely, I. A. No. 3067 of 2017, has been filed.

The delay is condoned for the reasons indicated in the condonation application.



Interlocutory Application stands allowed.

The matter is thereafter taken up on merit itself.

After having heard learned counsel representing the State and having perused the order of the Division Bench, this Court fails to appreciate the stand taken by the State that the period of earlier employment in the work-charge-establishment will not come in the way for consideration of regularization, but the same period cannot be counted for grant of port-retirement benefit, because the State takes a plea that there was a ban in such hiring at that point of time.

One set of facts cannot lead to two kinds of results in matters of extending benefits to an employee. If that period was not held out against the private-respondents for regularization and it was taken into consideration then that period will also be considered for all benefits after superannuation.

It is an ill-advised review application, which has been filed on behalf of the State, which lacks bona-fide.

Review application is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

SKM/-

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| CAV DATE          |            |
| Uploading Date    | 11.08.2017 |
| Transmission Date |            |

