

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.688 of 2016

In
Civil Writ Jurisdiction Case No.12783 of 2005

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1. The State of Bihar
 2. The Secretary, Food Supply and Commerce Department (now Food and Consumer Protection Department), Government of Bihar, New Secretariat, Patna
 3. The District Magistrate, Kaimur

... .. Appellant/s

Versus

1. Ram Jee Pathak son of Jairam Pathak, resident of village- Niyajipur, P.S.- Simari, District- Buxar
2. The Managing Director, Bihar State Food and Supplies Corporation Ltd. Sone Bhawan, Patna
3. The District Manager, Bihar State Food and Supplies Corporation Ltd., Bhojpur at Ara
4. The Chairman, District Consumer Forum, Kaimur

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Fakhruddin Ali Ahmad
For the Respondent/s : Mr. S. S. P. Yadav, SC-14

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date : 13-11-2017

There is a delay of nine months in filing of the present appeal. The reasons for condonation of delay, as disclosed in the application, is the same and one, which we find in several appeals, coming from the State of Bihar, i.e., bureaucratic delay and red-tapism.

The reasons shown is that the order was being examined at various levels and because of that this huge delay has taken place.



The reason shown in the application do not satisfy us, but with an intention to look into the seriousness of the issue, if any, raised in the appeal, we have looked into the matter and considered the submissions of the learned counsel representing the appellants.

There is a finding, not controverted by the appellants, that the private-respondent came to be appointed as a Night Guard on 14.08.1972 in the Circle Office of Monghyr Block. It is thereafter that the private-respondent went on deputation to one of the government corporation, namely, Bihar State Food and Civil Supplies Corporation and remained there till 21.09.1989. Further, it has also been admitted position that in the year 1987 he was transferred from Monghyr Block to the office of the District Manager, Bhojpur at Ara, where he joined as Peon and worked till 1988 and thereafter he joined as Peon in the office of the District Magistrate, Kaimur. It is not a case where the private-respondent either came to be appointed in the Corporation in the very beginning or was later on relieved by the State Government to join service of the Corporation on his own sweet-will. If the private-respondent happened to be an employee of the government and in course of his service he was sent on deputation to government corporation, where he continued for several years, on his



retirement the government cannot be allowed to say that he was not an employee of the government.

This being the position, we do not find any infirmity in the order, passed by the Learned Single Judge.

The appeal has no merit. It is accordingly dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

skm/-

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