

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1324 of 2014

IN

Civil Writ Jurisdiction Case No. 8721 of 2011

- =====
1. 1. The Bihar Industrial Area Development Authority Udyog Bhawan, East Gandhi Maidan, P.S. Gandhi Maidan, District & Town, Patna
 2. The Chiarmen, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, P.S. Gandhi Maidan, District & Town, Patna
 3. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, P.S. Gandhi Maidan, District & Town, Patna
 4. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, P.S. Gandhi Maidan, District & Town, Patna
 5. The Executive Director, Bihar Industrial Area Development Authority, Udyog Bhawan, Regional Office, Bhagalpur
- Appellants

Versus

Nathuni Ram son of Phudeni Ram, Resident of Village-Bela Chapra, P.S. Bela, District- Muzaffarpur

.... Respondent

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Appearance :

For the Appellants : Mr. Rajeev Ranjan Prasad, Advocate
Mr. N. Chatterjee, Advocate
Mr. Sudhanshu Trivedi, Advocate
Ms. Surabhi, Advocate

For the Respondents : None.

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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: 26-04-2017

The appellant Bihar Industrial Area Development Authority (hereinafter referred to as "BIADA") is very disturbed and alarmed by an observation, which has been given by the learned Single Judge in allowing the writ application of the private respondent and holding that the attributes and the benefits which have



been given to the private respondent from time to time, is an indicator to the fact that he was not a temporary employee, contrary to the stand of BIADA, who were respondents in the said writ application. The date of order, which is under challenge, is 24.03.2014.

Two things are apparent from the detailed order passed by learned Single Judge i.e. the private respondent was appointed as a Peon way back on 26.02.1980, more than three decades ago and was extended all the benefits of a regular employee. Then comes a Managing Director, who decides to set the house in order by putting the house on fire, because, virtually every employee was dismissed on one ground or the other without following any procedure. This Court cannot be unmindful of the litigations, which emerged because of such arbitrary decisions taken without following due process of law. The private respondent was also one such victim. He did manage to demonstrate and point out similarity between his status and the status of yet another employee that is Santosh Kumar Sinha.

This Court after going through the impugned order is satisfied that the learned Single Judge in the interest of justice, equity as well as consistency, has rightly set aside the order of termination, and, even we are of the opinion that sheer length of service coupled with the



benefits, which were extended to permanent employee, also conferred upon the private respondent like time bound promotion and revised pay scale etc. did give him a status. Merely because the respondent did not want to confer a kind of permanency in their record, the status of the private respondent, who was appointed as a Peon and continued in that capacity as a Peon, cannot be reduced to that of a slave of the organization. He has constitutional rights guaranteed under Article 14 and 16 of the Constitution of India, and therefore, in the given facts we refuse to interfere with the order of the learned Single Judge.

The submission of learned counsel for the appellant that the learned Single Judge did commit an error by observing that the private respondent was akin to a permanent employee will open a flood gate of litigation is of no concern.

Thus, the appeal has no merit. It is, accordingly, dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Rajeev/-

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