

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1156 of 2016

- =====
1. Nagendra Kumar Singh, son of Shri Baikunth Singh, resident of Village- Keshopur, Police Station- Barhara, District- Bhojpur
 2. Prakash Kumar Shrivastava, son of Late Ram Lakhan Narayan, resident of Village- Kumhar Toli, Police Station- Hazaribag, District- Hazaribag

.... Appellant/s

Versus

1. The State of Bihar through the Secretary, Department of Health, Government of Bihar, Patna.
2. The Director in Chief, Health Services, Bihar, New Secretariat, Patna
3. The Deputy Director, Health Department, Government of Bihar, Patna
4. The Regional Deputy Director, Health Services, Patna Division, Patna
5. The Civil Surgeon cum the Chief Medical Officer, Bhojpur, Ara

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Prasad Ambastha, Advocate
For the Respondent/s : Mr. Subhash Prasad Singh, G.A. 3
Mr. Dilip Kumar, A.C. to G.A. 3

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-04-2017

Appellants were granted a decree directing for their reinstatement without back wages. Even though, reinstatement was granted but when they were not granted a posting order, they approached the Writ Court and the Writ Court observed that as the Code of Civil Procedure is a complete Code by itself for getting the decree executed, appellants should take recourse to the remedy available of getting enforcement of the judgment and decree of the Munsiff and for the said purpose exercise of jurisdiction under Article 226 of the Constitution is not called for.



2. We are in full agreement with the order passed by the learned Writ Court. The decree was of reinstatement of the employees which means that they have to be issued with an order of appointment or reinstatement and thereafter given a posting order. If the posting order was not given, it means that the decree has not been completely executed and its taking note of all these factors the learned Writ Court has relegated the appellants to get the decree executed from the Civil Court, no error has been committed warranting reconsideration. The appellants will file an Execution Proceeding before the court below and the court below shall consider and take a decision on the execution proceedings within a period of three months.

3. With the aforesaid, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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