

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1674 of 2016

IN

Civil Writ Jurisdiction Case No. 12806 of 2009

- =====
1. Bihar State Khadi and Village Industries Board through the Administrator, Mahesh Bhawan, Gandhi Maidan East, P.S.-Gandhi Maidan, District-Patna.
 2. The Chief Executive Officer, Bihar State Khadi and Village Industries Board, Mahesh Bhawan, Gandhi Maidan East, P.S.-Gandhi Maidan, District-Patna.

.... Appellant/s

Versus

1. Yugeshwar Kunwar, son of late Ram Ashish Kunwar, resident of village-Pirhauli, P.S.-Teghra, District-Begusarai.
2. The State of Bihar through the Commissioner-cum-Secretary, Department of Industries, Govt. of Bihar, Patna.
3. The Administrative Officer, Khadi, Bhawan-cum-Khadi Gramodyog Officer, Ranchi, Jharkhand

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Anand Kumar, Adv.

For the Respondent/s : Mr. Gajendra Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-12-2017

Heard learned counsel for the appellants and counsel for the private respondent.

If the learned Single Judge in his order dated 03.03.2016 has allowed the writ application in favour of the private respondent going by the ratio of the decision rendered in the case of Sita Devi Vs. Bihar State Khadi and Village Industries Board [2004(4) PLJR 565], then he has committed no error.

The variable stand which is being sought to be taken by the appellants for distinguishing the case of Sita Devi on the ground



of cut-off date etc. is misnomer because once the Court had held that there is no distinction between plan or non-plan head, then benefit to the employees will accrue in both the categories in full.

Reliance has been placed on an order dated 06.07.2015 which has been annexed as Annexure-2.

The observation made therein by the learned Single Judge may be considered to have been made in the case concerned since it does not lay down any law. No such ratio is emerging from Annexure-2. Therefore it will have no effect so far as the decision rendered by the learned Single Judge or the case of Sita Devi is concerned.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2017
Transmission Date	

