

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1357 of 2013

In

Civil Writ Jurisdiction Case No.15941 of 2013

=====

Ishwar Chandra Sharma, Son of Sri Krishan Sharma, Resident of Village-
Ahaladpur, P.O.- Haridaspur, P.S. Kanti, District- Muzaffarpur

... .. Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna
3. The Principal Secretary, Department of Health, Government of Bihar, Patna
4. The District Magistrate, Muzaffarpur
5. The Civil Surgeon-Cum-Chief Medical Officer, Muzaffarpur
6. The Additional Chief Medical Officer, Muzaffarpur
7. The District Leprosy Officer, Muzaffarpur
8. The Director, Provident Fund, Government of Bihar, Patna

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Abhay Kumar, Advocate

Mr. S.N. Singh, Advocate

For the Respondent/s : Mr. Asit Kumar Jha, A.C. to G.P. 2

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2017

Seeking exception to an order dated 21.08.2013 passed by the learned Writ Court in C.W.J.C. No. 15941 of 2013 this appeal has been filed under Clause 10 of the Letters Patent.

On the ground that appellant's services were absorbed by the State Government and, therefore, on such absorption for the service rendered and the pay which he was getting in the Bihar State Construction Corporation since 28.03.1977 should be protected, the writ petition in question was filed.

The Writ Court examined the issue in detail and after going



through various documents that have come on record found that even though the word “absorption” has been used but in fact the appellant was appointed after the erstwhile Corporation was declared as sick and the appellant was granted fresh appointment by the State Government.

Taking note of the order of appointment issued on 23.03.2013 and the totality of the circumstances, the finding recorded is that the appellant was not absorbed by considering his previous service but he was granted fresh appointment in the Government service, his claim has been rejected.

Taking note of the reasons indicated by the learned Writ Court for doing so, we find no ground to make any indulgence into the matter.

The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	08.12.2017
Transmission Date	

