

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.67 of 2016

In

LPA 1593 of 2012

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Harendra Prasad Singh, son of late Jai Ram Singh, resident of village Rasulpur, Post Office Jaitipur, P.S. – Lalganj, District – Vaishali.

.... Petitioner

Versus

1. The State of Bihar, through the Commissioner-cum-Secretary, Public Health Engineering Department, Government of Bihar, Patna.
2. Engineer-In-Chief-cum-Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
3. Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
4. Superintending Engineer, Public Health Engineering Department, Government of Bihar, Mechanical Circle, Muzaffarpur.
5. Executive Engineer, Public Health Engineering Department, Government of Bihar, Mechanical Circle, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar Singh, Advocate

For the Respondent/s : Mr. S.Raza Ahmad, AAG-9

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2. 01-03-2017

I.A. No. 1736 of 2016

There is delay of 32 days in filing the civil



review application.

For the reasons mentioned in the petition, the delay in filing the civil review application is condoned.

Accordingly, Interlocutory Application No. 1736 of 2016 stands disposed of.

Re: Civil Review No. 67 of 2016

Heard learned counsel for the review petitioner and learned counsel for the State.

The review petitioner is none else than the appellant in the Intra-Court appeal being the writ petitioner. After absorption in permanent regular establishment from work charge establishment, petitioner had sought to be given benefit of the period he had worked in the work charge establishment for the purposes of retiral dues as well as for certain in-service benefits. Learned Single Judge disallowed the claim. Hence, the Intra-Court appeal. When the Intra-Court appeal was taken up on 10.12.2015, no one appeared to press the same. However, this Court, noticing judgment of the learned Single Judge, found no reason to interfere with the said judgment, appeal was dismissed.

By this review application, the review petitioner, who was the appellant in the Intra-Court appeal,



has brought on record that in 2013 itself, as a consequence of certain similar litigations which had gone up to the Apex Court resolved that all such employees who had been working for work charge establishment, and then, who are taken into regular establishment and regularize there, their service rendered in the work charge establishment would be counted for all purposes. Accordingly, from 2013 itself, the petitioner was granted all the benefits including ACP. This fact could not be brought on record of the Intra-Court appeal which virtually had made the Intra-Court appeal infructuous. State had also not filed any counter affidavit bringing this fact on record.

In this review application, State has filed a counter affidavit and has admitted that all the benefits were conferred on the review petitioner/appellant.

In our view, in the interest of justice, as State had already decided to bestow the benefits at everybody including the review petitioner. We would hold that the judgment of this Court in CWJC No. 5976/2012 (Harendra Prasad Singh Vs. State of Bihar and others) as well as the Intra-Court appeal being Letters Patent Appeal No. 1593/2012 dismissed on 10.12.2015, would not come in the



way of take away the rights of the petitioner in any manner.
He would continue with the benefits as was allowed to him
by the State Government in view of the decision of the State
Government as contained in Annexures – 1 & 2 to this
review application.

This review application is, thus, disposed of.

(Navaniti Prasad Singh, J.)

(Anjana Mishra, J.)

Rajeev/-

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