

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1251 of 2014
IN
Civil Writ Jurisdiction Case No. 16008 of 2007**

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Hridesh Kumar, son of late Bankey Bihari Prasad, resident of Mohalla - Gulab
Bagh, Pahai, Town Gaya, P.S. Kotwali, District - Gaya.

.... Petitioner-Appellant/s

Versus

1. The State of Bihar through its secretary, Rural Development Department,
R.E.O., New Secretariat, Bailey Road, Patna - 800001.
2. The Superintending Engineer, R.E.O., Work Circle, Gaya.
3. The Executive Engineer, Works Division, R.E.O., Gaya.
4. The District Provident Fund Officer, Gaya.
5. The Accountant General, Bihar, Birchand Patel Marg, Patna.

.... Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Pathak, Advocate

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-05-2017

Seeking exception to an order dated 22.07.2014 passed by
the learned Writ Court in Civil Writ Jurisdiction Case No.16008 of
2007, this appeal has been filed under Clause X of the Letters Patent.

Petitioner was working in the Rural Development
Department and has been granted voluntary retirement from service
with effect from 01.08.2004 retrospectively by a Notification issued on
15.05.2006. *Inter alia* contending that a VRS cannot be granted
retrospectively, the writ petition had been filed. However, on
examination of the matter in detail, the learned Writ Court found that
the petitioner was not keeping well, he was physically incapable of



working and, therefore, submitted an application for VRS but with effect from 01.08.2004, he had abandoned the post and without waiting for final decision, handed over the charge of the post and proceeded on leave. Taking note of various aspects of the matter, the VRS was granted to him retrospectively and after examining the matter in detail, the learned Writ Court came to the conclusion that before his offer for VRS could be accepted and a decision taken, the petitioner abandoned the service and severed the relationship unilaterally by his conduct and having done so, the learned Writ Court did not find any error in treating him to have retired retrospectively with effect from 01.08.2004. The order passed by the learned Writ Court is based on due consideration of not only the record, but also the conduct of the petitioner in leaving the post and, therefore, we see no reason to make any indulgence into the matter. The appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
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