

IN THE HIGH COURT OF JUDICATURE AT PATNA

L.P.A. No.884 of 2016

Arising out of

C.W.J.C. No. 1552 of 2013

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Digranjan Kumar, aged about 78 years, son of Late Nardhip Thakur, resident of village- Lakhanpur, P.S.- Katra, District- Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Water Resources Department, Bihar, Sinchai Bhawan, Patna
2. The Deputy Secretary, Finance Department Government of Bihar, Main Secretariat, Patna
3. The Chief Engineer-Mechanical, Water Resources Department, Old Secretariat, Barrack, Patna
4. The Superintending Engineer, Irrigation Mechanical Circle, Birpur, District- Supaul
5. The Executive Engineer, Irrigation Mechanical Division, Birpur, District- Supaul
6. The Accountant General, Bihar, Birchand Patel Path, Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. R.N. Mukhopadhyay, Advocate

For the Respondent/s : Mr. Binay Kumar Pandey, A.C. to G.A. 2

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-07-2017



Challenging the orders passed by the departmental authorities and the Writ Court in refusing to grant regularization to the appellant in the regular establishment, this appeal has been filed under Clause 10 of the Patna High Court Rules.

2. Appellant was appointed on 22.11.1957 as an Engine Driver in the Work Charged Establishment. He was posted as a shift incharge in the Work Charged Establishment on 18.08.1963. He proceeded on leave from 22.03.1967 up to 31.03.1967 for nine days but remained unauthorizedly absent for a period of about 19 years up to 18.06.1986 in an unauthorized manner. He joined service on 19.06.1986 which was accepted on 08.01.1991 and he retired on attaining the age of superannuation on 31.12.1993. Therefore, it is clear that the appellant started working in the year 1957. He became an incharge in the Work Charged Establishment on 18.08.1963 and immediately thereafter from 31.03.1967 up to 18.06.1986 he was on unauthorized absence. Claiming regularization and various other benefits, series of writ petitions and Letters Patent Appeals were filed before this Court and after considering various aspects of the matter this Court directed the department to re-examine the case and consider whether he can be regularized for service. The competent authority examined the matter and found that due to his unauthorized absence for such a long period of time and considering the fact that he



was absent for a period of 5 years preceding to 01.04.1977 the circular for regularization as contained in Annexure-7 dated 01.04.1977 will not apply in his favour and rejected his claim. The aforesaid rejection has been upheld by the learned Writ Court in a detailed order passed and we see no error in the same warranting reconsideration.

3. The Letters Patent Appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
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