

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.785 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 9826 of 2007**

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1. The State of Bihar
 2. The Secretary, Minor Irrigation Department, Govt. of Bihar, Patna.
 3. The Deputy Secretary, Minor Irrigation Department, Govt. of Bihar, Patna.
 4. The Secretary, Finance Department, Govt. of Bihar, Patna.
 5. The Deputy Director, Underground Water Investigation Division, Bhagalpur.

.... Appellants (Respondents)

Versus

1. Upendra Kumar Sinha, Son of Late Ramawtar Prasad resident of village-Kanhaiya Chak Via and P.S.- Parwatta, Post- Kanhaiya Chak District Khagaria.

..... Respondent (Petitioner)

2. The Accountant General, Bihar, Patna.

.... Respondents (Respondents).

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Appearance:

For the Appellant/s : Mr. Khursid Alam, AAG 12 and
Mr. J.K. Roy-I, SC 13.

For the Respondent no.1 : Mr. Surya Prakash, Advocate.

For the Respondent no. 2: Mr. Sanjay Kumar, Advocate.

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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: 27-07-2017

The Court is informed that the original petitioner before the Writ Court, namely, Upendra Kumar Sinha, is dead. He is private respondent no. 1 in the present appeal which has been preferred by the State.

After having heard counsel for the State and having perused the order impugned dated 06.02.2014, we do not find any infirmity because the requirement of reckoning the period from



17.03.1979 to 12.08.1986 for the purpose of pensionary benefit to the private respondent is mandated to be included in terms of a previous order and direction issued by the High Court in CWJC No. 13877 of 2005.

If the State wants to rob the benefits of a judicial declaration and order in his favour, the learned Single Judge was right in preventing the State from taking a decision contrary to what was not permissible in the very first place in the previous round of litigation.

The facts being such, the order of the learned Single Judge does not suffer from any vice. In fact the Court can only observe that unnecessary time, energy and resource is wasted by the State Government in pursuing such appeals which have no legal basis whatsoever. Why such appeals are filed is for the department or the State to look into.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
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