

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1014 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 3980 of 2015**

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Kamaldeo Singh, Son of Late Ram Nagina Singh, resident of Village - Tiyer, Post Office - Pihuli, Police Station - Asawn, District - Siwan.

.... Appellant/s

Versus

1. The State of Bihar.
2. The District Magistrate, Siwan.
3. The District Panchayat Raj Officer, Siwan.
4. The Block Development Officer, Raghunathpur Block, Siwan.
5. The Accountant General (A & E) - II, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suraj Narain Yadav, Advocate
For Accountant General : Mr. Bindhyachal Rai, Advocate
For the State : Mr. Nandan Nayak, A.C. to AAG-X

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 30-06-2017

Delay of 334 days in filing of this appeal is condoned.

I.A. No. 3660 of 2016 stands allowed and disposed of.

2. Seeking exception to an order dated 18.03.2015 passed by the learned Writ Court in C.W.J.C. No. 3980 of 2015, this appeal has been filed under Clause 10 of the Letters Patent.

3. Appellant wanted that his appointment should be treated from 1961 and treating him to have joined service in the year 1961 benefit of first and second A.C.P. should be granted to him and challenged the act of the respondents in treating him to have joined



service on 25.02.1968.

4. The learned Writ Court adverted to consider various aspects of the matter and found that the District Magistrate had constituted a Seven Member Committee in accordance to the observations made by this Court in an earlier writ petition, examined the service record and a factual finding was recorded that the appellant’s continuous service would be counted from 25.02.1968.

5. Finding there to be no error in the same, the writ petition has been dismissed and we find no reason to make any indulgence into the matter as the findings recorded by the learned Writ Court are based on due appreciation of the evidence that has come on record, particularly, the Inquiry Committee’s report.

6. Accordingly, finding no ground, 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.
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