

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.708 of 2015

IN

Civil Writ Jurisdiction Case No. 17377 of 2013

=====

Ranjit Kumar, Son of Late Shayam Kumar Jha, Resident of 15- MIG, Hanuman Nagar, Police Station- Patrakar Nagar, District- Patna.

.... Appellant/s

Versus

1. The Managing Director, Bihar State Credit And Investment Corporation, Indira Bhawan, 4th Floor, Ram Charitra Singh Path, Patna.
2. Bihar State Credit And Investment Corporation Through its Deputy Manager (Administration), Indira Bhawan, 4th Floor, Ram Charitra Singh Path, Patna.
3. The Deputy Manager (Administration), Bihar State Credit And Investment Corporation, Indira Bhawan, 4th Floor, Ram Charitra Singh Path, Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Amish Kumar

For the Respondent/s : Mr. Mayank Shekhar

Mr. Karn Satish Kumar

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD)

Date: 26-07-2017

The appellant of the present case is aggrieved by the order dated 22.01.2015 passed by learned Single Judge in CWJC No.17377 of 2013 by which the learned Single Judge has refused to quash the order dated 29.07.2013 passed by the respondent no.3 rejecting the representation of the appellant for his reinstatement in service.

The appellant had been appointed on compassionate ground on 20th June 1994 and he worked in the Corporation as



Incentive Clerk. Admittedly, he resigned from the post when he was reverted back to the post of Incentive Clerk on 1st July 2009 after promotion. It is an admitted position that resignation was accepted on 7th July 2009 by the Managing Director and the same was duly communicated to the appellant. Later on, the appellant filed representation on 10th October 2011 and on 22nd November 2011 seeking withdrawal of his resignation. These representations were placed before the Board of Director for consideration, but it did not find favour and the representations submitted by the appellant were rejected.

Learned counsel for the appellant once again submitted before this Court that since he was appointed by the Board, the acceptance of resignation by the Managing Director was not valid.

We are not convinced with the submission of the learned counsel for the appellant inasmuch as we find that the Managing Director being the Chief Executive of the Board of Director is always competent to act on behalf of the Board in all such matters which the Board is competent to consider. It is not the case of the appellant that his resignation was not accepted and communicated by the Managing Director. If it was so then he cannot raise grievance after more than two years when his application for withdrawal of resignation did not find favour by the Board.



The learned counsel for the appellant further relied upon a judgment of this Court in the case of Bum Bahadur Singh Vs. the State of Bihar & Ors. and contended that the ratio of the said judgment is applicable in the present case also.

We are in disagreement with the submission of the learned counsel for the appellant for a simple reason that in the said case the petitioner had submitted his letter withdrawing the offer to voluntary retirement even before his offer could be accepted by the employer. This is not the case in the present case. We are in agreement with the order passed by the leaned Single Judge. No infirmity or illegality is found in that order.

The appeal is, accordingly, dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.07.2017
Transmission Date	

