

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.39 of 2017

IN

LPA 624 of 2012

- =====
1. The State Of Bihar through the Commissioner-cum- Secretary, Public Health Engineering Department, Government of Bihar, Patna.
 2. The Engineer-in- Chief-cum- Special Secretary, Public Health Engineering Department, Government of Bihar, Patna.
 3. The Chief Engineer, Public Health Engineering Department, Government of Bihar, Patna.
 4. The Superintending Engineer, Public Health Engineering Mechanical Circle, Muzaffarpur, Bihar.
 5. The Executive Engineer, Public Health Engineering Mechanical Division, Muzaffarpur, Bihar.

.... Petitioner/s

Versus

1. Pradip Sah, son of Late Janak Sah, resident of village Phulwaria, P.S.- Maniari, District- Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 26-07-2017

There is delay of 83 days in preferring the review application, for which a limitation petition, namely, I. A. No. 3087 of 2017 has been filed.

The delay is condoned for the reasons indicated in the condonation application.

Interlocutory Application stands allowed.

The matter is thereafter taken up on merit itself.



After having heard learned counsel representing the State and having perused the order of the Division Bench, this Court fails to appreciate the stand taken by the State that the period of earlier employment in the work-charge-establishment will not come in the way for consideration of regularization, but the same period cannot be counted for grant of port-retirement benefit, because the State takes a plea that there was a ban in such hiring at that point of time.

One set of facts cannot lead to two kinds of results in matters of extending benefits to an employee. If that period was not held out against the private-respondents for regularization and it was taken into consideration then that period will also be considered for all benefits after superannuation.

It is an ill-advised review application, which has been filed on behalf of the State, which lacks bona-fide.

Review application is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	28.07.2017
Transmission Date	

