

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.3255 of 2008

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The State of Bihar through Director-in-Chief, Health Services & Ors
..... Petitioner/s

Versus

Ram Kishore Singh, s/o Late Rajendra Prasad Singh, R/o village- Agrail
(Dih), P.S. Baligaown, Distt. Vaishali

..... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Das Singh (JC-GP14)

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

4 24-07-2017 This application has been filed for restoration of LPA

No. 179 of 2007 which was dismissed due to non-compliance of

an order dated 2.8.2007.

On 8.7.2015 LPA No. 179 of 2007 was directed to be
restored to its original file subject to the condition that the order
passed on 2.8.2007 shall be complied with within two weeks.
However, the order passed on 8.7.2015 restoring LPA No. 179 of
2007 was not complied with as a result thereof even after the order
passed on 8.7.2015, LPA No. 197/2007 has not been restored to its
original file and the application for restoration is placed before us
today for orders.

We have gone through the records of LPA No. 179 of
2007 and we find that in the said LPA order dated 9.8.2006 passed



in CWJC No. 14652 of 2005 was challenged whereby reversion of the petitioner after a period of twenty years was found to be illegal and quashed. The order was passed in the year 2006.

We have also gone through the records of CWJC No. 14652 of 2005 and we find that the petitioner was appointed in the year 1977 and he sought for quashing of the order dated 18.11.2005 by which he was reverted to the post of Basic Health Worker without hearing him and on account of violation of the principles of natural justice the learned Writ Court finding the order to be illegal has quashed the impugned order.

Taking note of the totality of the circumstances, now after more than a decade of disposal of the original writ petition, we see no reason to restore the appeal and hear it again keeping in view the defect now pointed out by the counsel, that apart now the respondent employee would have also retired from service.

The restoration application stands dismissed.

(Rajendra Menon, CJ)

S.Pandey/-

(Anil Kumar Upadhyay, J)

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