

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.427 of 2016
IN
Civil Writ Jurisdiction Case No. 19333 of 2011**

- =====
1. Brijji Bihari Singh, Son of Ram Kawal Singh, resident of village + P.O. Sheopur, Police Station - Garhani in the district of Bhojpur
 2. Sant Dayal, Son of Shri Rewat Mahto, resident of village - Baburbanna, Police Station Sohsarai in the district of Nalanda

.... Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna
2. The Director - in - Chief, Health Services, Government of Bihar, Patna
3. The Regional Deputy Director, Health Services, Patna Division, Patna
4. The Civil Surgeon - Cum - Chief Medical Officer, Bhojpur at Ara
5. The District Leprosy officer, Bhojpur at Ara

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar

For the Respondent/s : Mr. SC20-DR. A.K. U PADHYAYA

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 15-03-2017

I.A. No.1900 of 2016

The application is for condonation of delay of 156 days
in filing the Letters Patent Appeal.

For the reasons mentioned in the Interlocutory
Application, we are satisfied that the appellants have shown



sufficient cause to seek condonation of delay in filing the present Letters Patent Appeal.

Consequently, Interlocutory Application No. 1900 of 2016 is allowed and delay in filing the Letters Patent Appeal is condoned.

L.P.A. No.427 of 2016

Petitioner's services were terminated. Subsequently, based on the law laid down by the Supreme Court in the case of Secretary, State of Karnataka vs. Uma Devi, (2006) 4 SCC 1, the matter was referred for re-consideration. On such re-consideration, petitioner was found to be entitled for regularization and, therefore, petitioner was taken back on duty. For the intervening period back wages were not granted by the authorities placing reliance on a Full Bench judgment of this Court in the case of Malti Kumari vs. The State of Bihar & Ors., 2013(2) P.L.J.R. 677, which held that after regularization in service the employee concerned shall not be entitled to back wages for the period prior to regularization. Fixation of pay and other allowances shall accrue prospectively from the date of regularization.

As the learned Writ Court has decided the writ petition in the light of law laid down in Malti Kumari's case (supra), we see



no error warranting re-consideration. This appeal is, therefore, dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
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