

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1242 of 2013
IN
Civil Writ Jurisdiction Case No. 14239 of 2012**

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Ajay Kumar Thakur, S/O Late Bishwanath Thakur Resident Of Village-
Lahaladpur, P.O- Patahi, P.S- Sadar, District- Muzaffarpur.

.... Appellant/s

Versus

1. The State Of Bihar Through The Secretary Deptt. Of Road Construction, Govt. Of Bihar, Visheshwaria Bhawan, Bailey Road, Patna.
2. The Engineer In- Chief, Road Construction, Department Govt. Of Bihar, Patna.
3. The Superintendent Of Engineer, Road Construction Department, North Bihar Circle, Maripur, Muzaffarpur.
4. The Executive Engineer, Path Pramandal-1, Road Construction Division, Maripur, Muzaffarpur.
5. The Assistant Engineer, Awar Pramandal No. 1, Road Construction Department, Maripur, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Ebrahim Kabir, Advocate Ms. Shruti Sinha, Advocate
For the Respondent/s	:	Mr. Ashish Kumar Lal, AC to GA-5

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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: 04-02-2017

The delay of 197 days is condoned in the interest of justice to give opportunity to the appellant to satisfy this Court with regard to the correctness or otherwise of the decision of the Learned Single Judge. The limitation petition, which is I. A. No. 7134 of 2013, is allowed.

Matter has been thereafter heard on merits.

Even according to the appellant he had lastly worked



only till the year 1989 and thereafter he was disengaged. He is seeking regularization, for which he had moved the authorities. The authorities rejected his claim in the year 2005. The Learned Single Judge after taking note of all these facts as well as the variance in the assertion with regard to working and completion of 240 days, coupled with the fact that the impugned order was passed more than seven years ago, before it was challenged, decided to dismiss the writ application.

In the facts and circumstances, therefore, the Learned Single Judge has committed no wrong in refusing to extend any benefit by interfering with the order of the year 2005 in a writ application of 2012 with regard to a so called employee, who was disengaged in the year 1989, as is his case, whereas the records indicate that he was disengaged in the year 1985 itself.

The matter should rest now.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	06.02.2017
Transmission Date	

