

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.686 of 2017

In

Civil Writ Jurisdiction Case No.13191 of 2007

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1. Md. Anwar Ahmad Son of Late Ahmad Hussain, Resident of Village-Janipur, Post Office-Sarangpur, Police Station-Janipur, District-Patna (Petitioner in C.W.J.C. NO. 13191 of 2007)
 2. Md. Faiz AShmad Son of Late Ahmad Hussain, Resident of Village-Janipur, Post Office-Sharampur, Police Station-Janipur, Post Office-Sharampur, Police Station-Janipur, District-Patna (C.W.J.C. No.-18851 of 2013)

... .. Appellant/s

Versus

1. The Bihar State Tourism Development Corporation Ltd. Through Its Chairman, Serpentine Road, Patna.
2. The Managing Director, the Bihar State Tourism Development Corporation Ltd. Serpentine Road, Patna (Respondents in C.W.J.C. No. 13191 of 2007 and C.W.J.C. No. 18851 of 2013)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Md. Shamimul Hoda, Advocate
For the Corporation : Mr. Ranjan Kr. Srivastava, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-10-2018

1. Feeling aggrieved and dissatisfied with the impugned judgment and order passed by the learned Single Judge dated 08.05.2014, passed in C.W.J.C. No. 13191/2007 along with C.W.J.C. No. 18851/2013, the original writ petitioners have preferred the present Letters Patent Appeal under Clause X of the Letters Patent.



2. After making elaborate submissions and having realized that the relief which was granted in favour of one Shri Rakesh Kumar, who was put in minimum pay scale, learned Counsel appearing on behalf of the appellants has stated at the Bar that the original writ petitioners restrict the claim to putting them in the minimum pay scale.

3. Learned Counsel appearing on behalf of the respondents has stated that services of the original writ petitioners have been put to an end and they are not in service.

4. In that case also, the case of the original writ petitioners for putting them in the minimum pay scale can be considered for the period they worked and the benefit which was given to Shri Rakesh Kumar, another employee, can be granted to them also. It is reported that, insofar as the main writ petition is concerned, the original writ petitioners' prayer for regularization came to be rejected by the learned Single Judge.

5. As observed hereinabove, learned Counsel appearing on behalf of the appellants restricts the prayer now with respect to putting them in the minimum pay scale, the benefit which is granted to one another employee Shri Rakesh Kumar. Therefore, it will be open for the appellants to make an appropriate representation to the appropriate authority to put them in the



minimum pay scale, the benefit which was granted in favour of another employee Shri Rakesh Kumar and, as and when such a representation is submitted, the same be considered in accordance with law and on its own merits and considering the order in favour of Shri Rakesh Kumar.

6. It goes without saying that the same benefit shall be considered for the period during which the original writ petitioners were in service and/or worked, as it is reported that subsequently the services of the original writ petitioners have been put to an end.

7. With this, the present Letters Patent Appeal stands disposed of.

(Mukesh R. Shah, CJ)

(Ashutosh Kumar, J)

K.C.Jha/Uma/-

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