

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5653 of 2016

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Anil Kumar S/o Sri Madan Mohan Prasad, R/o Village- Kuhari, P.S.-
Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Energy Department
2. General Manager-cum-Chief Engineer, Magadh Electricity Supply Area,
Gaya.
3. Deputy General Manager, South Bihar Power Distribution Company Ltd.
Vidhut Bhawan, Bailey Road, Pat

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Kumar Sinha
For the Respondent/s : Mr. U. P. Singh, AC to SC-4
For the SBPDC : Mr. Ranjit Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 28-11-2019 Heard Mr. Dharendra Kumar Sinha, learned

counsel for the petitioner and Mr. Ranjit Sinha, for

respondent nos. 2 and 3.

The petitioner has challenged the order dated

04.07.2015 issued under the signature of the Deputy

General Manager of South Bihar Power Distribution



Company Limited, whereby the petitioner has been prevented from joining his duties as a Switch Board Operator.

It appears from the records that the petitioner was appointed as Switch Board Operator on contractual basis for a period of one year on 28.02.2007. He worked in that capacity from 2007 to 2012 at different places on extension of his contract. From 24.07.2012 to 10.03.2015, the whereabouts of the petitioner was not known. He was unauthorizedly absent from his duty. When this matter was discerned, he was prevented from joining the service and thereby his services were deemed to be terminated.

Learned counsel for the petitioner has drawn the attention of this Court to several applications sent by him to the Management of the Distribution Company under certificate of post, indicating that he was not in a position to work because of his illness.

Such applications, which have been brought on



record by way of supplementary affidavit only indicate that because of his illness, he could not report on duty.

There is nothing specific in those request letters for extension of leave which would give any idea about the nature of illness suffered by the petitioner. Notwithstanding such vague requests made by the petitioner at a belated stage, when the Distribution Company came up with a proposal of regularising the services of contractual employees, all such applications and the medical prescriptions were reviewed by the authority concerned and it was held that the petitioner had abandoned his job as he had remained absent from duty unauthorizedly for three long years. The request of the petitioner, therefore, for consideration of his case afresh for extending the contract or for regularizing his services is untenable.

For the reasons which have been noted above and which are self-explicatory, the prayer made on behalf of the petitioner cannot be allowed.



The petition has no merits and consequently the
same is dismissed.

(Ashutosh Kumar, J)

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