

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13756 of 2014

Subhash Chandra Sharma Son of Late Yugal Kishore Das Resident of Village
and Post Office- Sain, Police Station- Kanti, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Revenue and Land Reforms Department, Bihar, Patna
2. The Secretary, Revenue and Land Reforms Department, Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Circle Officer, Saraiya, District- Muzaffarpur.
5. The Director, Panchayati Raj, Bihar, Patna.
6. The District Panchayati Raj Officer, Muzaffarpur.

... .. Respondent/s

For the Petitioner/s : Mr Sanjiv Kumar, Advocate
For the Respondent/s : Mr Mahendra Pd Verma, AC to SC XX

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 23-07-2019 Heard learned counsel for the petitioner and the
respondent-State.

Petitioner was earlier appointed on 01.11.1991 as Panchayat Sevak. The appointment was not as per the extant instructions and, therefore, relying upon the Letter dated 18.02.1993 issued by the Panchayati Raj Directorate, his earlier appointment was cancelled and he was reappointed on 06.07.1993 as an Assistant. Pursuant to his reappointment, petitioner joined on 12.07.1993. Petitioner's counsel submits that the appointment was on compassionate grounds and if the earlier appointment was on account of mistake by the Authorities which necessitated appointment afresh on



06.07.1993, the petitioner cannot be made to suffer by depriving him of the period between 01.11.1991 to 06.07.1993 for the purposes of calculating the length of service, seniority etc.

Stand of the respondent-authorities is that in the said period, the petitioner was never posted anywhere. He was never paid salary. It is their further stand that pursuant to the reappointment order dated 06.07.1993 on the post of Assistant, the petitioner, on 12.07.1993, joined without protest and objection and, as such, he cannot be permitted to claim benefit for the period 01.11.1991 to 06.07.1993.

Learned counsel for the petitioner, thereafter, has referred to the Communication dated 02.02.2015 issued by the District Magistrate, Muzaffarpur seeking Guidelines from the Secretary, General Administration Department, Government of Bihar in respect of the petitioner's claim. He submits that subject to Guidelines being issued by the Department, he will pursue his claim before the District Magistrate, Muzaffarpur.

Writ petition stands disposed of with liberty, as aforesaid.

(Madhuresh Prasad, J)

M.E.H./-

U			
---	--	--	--

