

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 9484 of 2019

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Himanshu Shekhar Thakur, male, aged about 49 years, Son of Late Triveni Kant Thakur, resident of Mohalla- Urdu Bazar, P.S. Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Government of Bihar, Patna.
2. Board of Director, Bhagalpur Smart City Limited, through its Chairman-cum-Divisional Commissioner, Bhagalpur, Municipal Corporation, Court Compound, Bhagalpur.
3. Bhagalpur Smart City Limited, through its Chairman-cum-Divisional Commissioner, Bhagalpur, Municipal Corporation, Court Compound, Bhagalpur.
4. The Managing Director-cum-Chief Executive Officer, Bhagalpur Smart City Limited, Municipal Corporation, Court Compound, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Shivendra Kishor, Sr Advocate with Mr Nafisuzzoha, Advocate
For the Respondent/s	:	Mr Ranjay Kr Singh, AC to SC VI
For the Corporation	:	Mr Manish Kr, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 25-07-2019

Heard Mr Shievendra Kishor, learned Senior Counsel for the petitioner, Mr Ranjay Kumar Singh, learned counsel for the respondent-State and Mr Manish Kumar, learned counsel for the respondent-Bhagalpur Municipal Corporation.

2 Petitioner was appointed as Chief Finance Officer (for brevity, CFO) on contract basis in the organization of respondent No 2. He submits that the initial contract period was



extended by the Board of Directors in its meeting on 15.10.2018. The same was extended with clear stipulation that till such time, suitable candidate is appointed, his tenure shall be extended. The facts appearing from the averments made in the writ petition are that a Full Time CFO was, thereafter, appointed on 31.12.2018 and joined on 07.01.2019. The admitted position is also that the Full Time CFO, thereafter, resigned on 14.01.2019.

3 The issue, which falls for consideration, is that subsequent upon the post falling vacant due to resignation of the Full Time CFO, whether the petitioner would have a right to automatically resume the same office. It is only if the petitioner has such a right that a direction can be issued in these proceedings.

4 Extension of petitioner's contractual tenure was made by the Board of Directors on 15.10.2018 but only till such time the Full Time CFO/suitable candidate joins/appointed. Upon such occurrence, i e, joining of a Full Time CFO, the contractual tenure of the petitioner came to an end in terms of the decision of the Board of Directors dated 15.10.2018.

5 Once the petitioner's contractual tenure came to an end, the subsequent resignation of Full Time CFO, may be only seven days later, could not give right in favour of the petitioner so as to claim reinstatement on the contractual post held by him with



clear stipulation of the meeting of the Board of Directors that the same was only upto joining of Full Time CFO. Contractual tenure of the petitioner and relation with the employer seized upon appointment of Full Time CFO and, thereafter, there was no subsisting contractual relationship between petitioner and respondent No. 2.

6 This Court does not find any basis for the petitioner to claim right of reinstatement.

7 Writ petition is devoid of merit and the same is dismissed.

8 Petitioner's Senior Counsel submits that there is some arrear on account of salary.

9 If that be so, respondent No 2 shall calculate the same and pay the same to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.08.2019
Transmission Date	NA

