

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.186 of 2018

1. The State of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
3. The District Collector, West Champaran, Bettiah.

... .. Appellant/s

Versus

1. Shatrughan Baitha, Son of Late Banshi Baitha, retired Clerk, District Consumer Dispute Redressal Forum, Bettiah, West Champaran, resident of Sagar Pokhra, Ujjain Tola, P.O.+P.S.- Bettiah, District- West Champaran
2. The Managing Director, Bihar State Food and Civil Supply Corporation, Sone Bhawan, Birchand Patel Path, Patna
3. The Accountant General (A & E), Bihar, Patna.
4. The President, District Consumer Dispute Redressal Forum, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Vishambhar Prasad, AC to AAG- 5
For the Respondent/s	:	Mr. Vivekanand Vivek, Advocate Mr. Nisar Ahmad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

6 22-01-2019 Re: I.A. No. 1026 of 2018

Heard Shri S. Raza Ahmad, learned Additional
Advocate General for the State of Bihar and Shri Vivekanand
Vivek, learned counsel for the respondent-petitioner.

2. Even though there is an opposition to the
condonation of delay, yet keeping in view the circumstances of
the case and the explanation given, we are satisfied that the
delay deserves to be condoned.



3. I.A. No. 1026 of 2018 is allowed and the appeal shall be treated to be within time.

Re: L.P.A. No. 186 of 2018

The State of Bihar has come up in appeal questioning the correctness of the judgment of the learned Single Judge dated 23rd August, 2016 passed in C.W.J.C. No. 20787 of 2012 and Shri Raza, learned Additional Advocate General submits that in view of the proposition of law which governs the controversy having been answered by a Full Bench in the case of **Harishankar Prasad Vs. The State of Bihar & Ors.**, reported in **2018 (4) PLJR 889**, the matter is no longer *res integra*.

2. Learned counsel for the respondent-petitioner contends that the appellant-State was bound to comply with the judgment of the learned Single Judge and even otherwise the respondent-petitioner is entitled to the pensionary benefits keeping in view his services rendered with the Corporation.

3. Having considered the submissions raised, we find that the Full Bench judgment in the case of **Harishankar Prasad** (supra) delivered on 01.11.2018 squarely covers the issue and consequently the impugned judgment, therefore, will have to abide by the aforesaid ratio.



4. The appeal is, accordingly, allowed keeping in view the judgment of the Full Bench dated 01.11.2018 and the impugned judgment dated 23rd August, 2016 is set aside.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

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