

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1420 of 2021

In
Letters Patent Appeal No.1163 of 2018

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1. Manish Kumar S/o- Upendra Kumar Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 2. Amarjeet Kumar S/o- Vinay Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 3. Baijnath Kumar S/o- Rameshwar Yadav Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 4. Nikhil Kumar S/o- Anil Kumar Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 5. Niraj Kumar S/o- Krishna Kumar Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 6. Rakesh Kumar S/o- Bijay Prasad Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 7. Nikhil Raj S/o- Kamal Paswan Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 8. Avinash Kumar Singh S/o- Satyendra Pratap Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 9. Shambhu Kumar S/o- Bishwanath Choudhary Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 10. Ashok Kumar S/o- Kameshwar Yadav Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 11. Adarsh Paswan S/o- Awadhesh Paswan Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 12. Vivek Kumar S/o- Kamlesh Kumar Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 13. Manti Devi W/o- Suresh Ram Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 14. Vishal Kumar Singh S/o- Mithlesh Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 15. Prem Kumar S/o- Ramjiwan Prasad Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 16. Gorakh Kumar S/o- Om Prakash Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 17. Jai Prakash Kumar S/o- Rajendra Tiwari Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
 18. Kundan Kumar Singh S/o- Rabindra Kumar Singh Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.



19. Jyoti Prakash Yadav S/o- Pradip Yadav Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
20. Binita Kumari W/o- Late Jitendra Choudhary Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
21. Usha Devi W/o- Ashok Choudhary Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.
22. Vikash Thakur S/o- Munna Thakur Class- IV, employee of Anugrah Narayan Magadh Medical College, Gaya, Town- Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through Mr. Tripurari Sharan, the Chief Secretary, Govt. of Bihar, Patna.
2. Mr. Pratyaya Amrit Principal Secretary, Health Department, Govt. of Bihar, Patna.
3. Mr. Mayank Warwade Commissioner, Magadh Division, Gaya.
4. Mr. Patit Ranjan Vishesh Karya Padadhikari, Health Department, Govt. of Bihar, Patna.
5. Dr. Arjun Chaudhary Principal, Anugrah Narayan Magadh Medical College, Gaya.
6. Mr. Suman Kumar District Development Commissioner, Gaya.
7. Mr. Santosh Kumar Srivastava Secretary to the Commissioner, Gaya.
8. Mr. Kamal Kishore Ray Regional Additional Director Magadh Division, Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. S.D. Yadav (AAG 9)
Mr. Anil Kumar Verma, A.C. to AAG 9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 30-01-2024 Hard copy of the show cause is accepted.

2. The present MJC is filed for non-compliance of the
order dated 02.02.2021 passed in LPA 1163 of 2018. The



petitioner's services were dispensed and it was subject matter of litigation in CWJC No. 2733 of 2018 read with LPA 1163 of 2018. In the LPA orders dated 04.10.2017, 22.12.2017 and 23.12.2017 were set aside on 02.02.2021 and petitioners / the appellants were directed to be reinstated in service without any backwages reserving liberty to the respondents to get a fresh inquiry conducted in the light of directions issued by the learned single Judge. Respondents have reinstated the petitioners on 08.07.2023 but no explanation has been given as to why there is a delay of more than one year five months. The co-ordinate Bench while deciding LPA refused to grant backwages, therefore, in all fairness respondents should have reinstated the petitioners within a reasonable period of time of three months from the date of the receipt of the order dated 02.02.2021 passed in LPA 1163 of 2018. On the other hand, they have taken one year seven months to reinstate. The remaining portion of the order has not been complied in holding a fresh inquiry.

3. Taking note of these facts and circumstances the concerned respondents are hereby directed to pay salary / consolidated pay attached to the post held by each of the petitioner during the period from 01.04.2021 till 08.07.2023, for the reasons that respondents have not apprised this Court as to



why there is a delay in complying the orders of this Court. Moreover, LPA Bench has already made an observation that reinstatement is without backwages. Therefore, during the intervening period from 01.04.2021 till 08.07.2023 non-discharge of duties of the post was beyond the control of each of the petitioner. Therefore, necessary calculation shall be made for the aforementioned period and disburse the same within a period of three months from the date of receipt of this order.

4. Accordingly, the present MJC stands dropped.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

saaurabhkr/-

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