

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.801 of 2019

In
Civil Writ Jurisdiction Case No.2039 of 2017

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Ghanshyam Paswan S/o Late Jahuri Paswan Resident of Village- Driver Tola,
Katihar, P.S.- Katihar, District- Katihar.

... .. Appellant/s

Versus

1. The Food Corporation Of India through its Senior Regional Manager having his office at Arunachal Building, 3rd Floor, Exhibition Road, Ps.- Gandhi Maidan, Dsitt.- Patna
2. The General Manager Food Corporation of India at Arunachal Building, 3rd Floor, Exhibition Road, Ps.- Gandhi Maidan, Dsitt.- Patna
3. Assistant General Manager Food Corporation of India at Arunachal Building, 3rd Floor, Exhibition Road, Ps.- Gandhi Maidan, Dsitt.- Patna
4. The Distt. Manager Food Corporation of India, Navratan Hata Purnia, Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Mukesh Kumar No1
For the Respondent/s	:	Mr.P.K. Verma
		Mr. Mankeshwar Tiwari

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

5 18-04-2024

Re:-I.A. No. 01 of 2019

Heard I.A. No. 01 of 2019. There is a delay of 61 days in filing LPA No. 801 of 2019. For the reasons stated in application read with affidavit short delay of about 61 days stands condoned. I.A. No. 01 of 2019 stands allowed.

2. The present LPA is filed in assailing the order dated 09.05.2019 of the learned single judge passed in CWJC No. 2039 of 2017. Appellant limited prayer in LPA is that he is entitled to back wages from the date of compulsory retirement namely with effect from



06.11.2001 till his reinstatement or retirement in the normal course.

3. The appellant was subjected to criminal proceedings for the offences under PC Act,1988. Initially, he was convicted on 07.08.2001 and it was subject matter of criminal appeal in which he was acquitted on 15.09.2015. Face with these facts and circumstances, the appellant has not assailed the order of compulsory retirement dated 06.11.2001 so as to claim service or monetary benefits during the intervening period from 06.11.2001 till reinstatement or date of retirement. In the absence of challenge to compulsory retirement order dated 06.11.2001 and compulsory retirement order is not set aside by the competent forum the appellant is not entitled to have any service or monetary benefits during the intervening period from 06.11.2001 to till reinstatement or date of retirement.

4. At this stage, learned counsel for the appellant seeks permission to withdraw this LPA. Accordingly, LPA stands dismissed as withdrawn, reserving liberty to the petitioner to file civil review if so advised and in accordance with law.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

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