

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1097 of 2019

In
Civil Writ Jurisdiction Case No.9484 of 2019

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Himanshu Shekhar Thakur S/o- Late Triveni Kant Thakur resident of 41,
Baray Chak Lane, Near Hanuman Mandir, Mohalla- Urdu Bazar, P.O.
Jagdishpur, P.S. Tatarpur, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Govt. 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 Appellant/s	:	Mr.Nikhil Kumar Agrawal, Advocate Mr.Nutan Kumar Sharma, Advocate
For the Respondent/s	:	Mr.Yogendra Prasad Sinha (Aag7)
For Municipal Corporation:	:	Mr.Manish Kumar, Advocate

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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)

2 20-04-2024 The appellant has assailed the order of learned Single Judge dated 25.07.2019 passed in CWJC No. 9484 2019.

2. Learned Single Judge has affirmed the order of termination dated 16.03.2019 which is effective from 07.01.2019.

3. The appellant was appointed as Chief Financial Officer in the office of the Respondent No. 3 – Bhagalpur Smart



City Limited. His appointment was on contract basis. Such contract appointment may be for a period of one year. In view of the fact that Respondent No. 3 – Bhagalpur Smart City Limited appointed new person. The appellant has not apprise this Court that he had vested right over the post of Chief Financial Officer so as to continue indefinitely or any tenure has been fixed for the purpose of continuation of his service. Therefore, we find there is not infirmity in the order of learned Single Judge dated 25.07.2019 passed in CWJC No. 9484 of 2019.

4. Learned counsel for the appellant submitted that appellant's termination on 16.03.2019 is effect from 07.01.2019. Such retrospectively termination order is not permissible however such retrospective termination order could be read down as a prospective, accordingly it is treated as prospectively, in the resultant appellant is entitled to certain monetary benefits during the intervening period from 07.01.2019 to 16.03.2019 to that effect 3rd Respondent is hereby directed to calculate the monetary benefits of the appellant and disburse the same within a period of three months from the date of receipt of this order.

5. With the above observation, the present LPA No. 1097 of 2019 stands dismissed, while affirming the order of learned Single Judge dated 25.07.2019 passed in CWJC No.



9484 of 2019.

6. All pending I.A.(s), if any, stands disposed of in view of disposal of the present LPA.

7. Hon’ble Supreme Court in the case of **Ganesh Digamber Jambhrunkar & Ors. vs. The State of Maharastra & Ors.** reported in **2023 LiveLaw (SC) 801** held that contract appointee has no vested right, we have taken note of the principle decided and applied in the case in hand.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

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