

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1310 of 2019

In
Civil Writ Jurisdiction Case No.1138 of 2013

-
1. The State Of Bihar Bihar.
 2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Bihar, Patna.
 3. The Chief Engineer, Public Health Engineering Department, Bihar, Patna.
 4. The Secretary, Bihar State Water Board, West Boring Road, Patna.
 5. The Executive Engineer, Bihar State Water Board, Works Division, Patna.

... .. Appellant/s

Versus

Haricharan Choudhary, son of Late Ram Prasad Chaudhary, resident of Dost Nagar, P.S.- Maner, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.S Raza Ahmad AAG-5
		Mr. Alok Ranjan Adv, AC to AAG-5
For the Respondent/s	:	Mr.

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

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

3 19-07-2024

Ref. I.A. No. 01 of 2019

I.A. No. 01 of 2019 there is a delay of about 35 months in assailing the order of the learned single judge dated 23.09.2016. As usual reasons for condonation of enormous delay of about 35 months, that file was moving from one department to another or one section to another section. Such administrative difficulty cannot be appreciated for the purpose of condonation of the delay, for the reasons that State is mighty



litigant they are well aware of limitation in filing L.P.A. in such circumstances the concerned officer was required to give priority in filing L.P.A. on the other hand, the officials have slept over the matter. Accordingly, I.A. for condonation of stand delay of about 35 months stands rejected.

2. Even on merit the appellants have not made out a case for the reasons that respondent was working in Work Charge Establishment with effect from 01.02.1988. It is learnt that his services have been retrenchment as on 01.08.2003. Therefore, he is not entitled to regularization cannot be accepted for the reasons that if a daily wager or work charge employee is required to be regularized his services the same is required to be taken note of. In the light of judicial pronouncement in the case of **Secretary, State of Karnataka and others vs. Uma Devi and others** decision of the Hon'ble Supreme Court reported in **(2006) 4 SCC 1** wherein the Hon'ble Supreme Court assigned that ten years is required to be taken into consideration for the purpose of regularization. Therefore there is lapses on the part of the official respondent in not undertaking the exercise of regularization/observation of the respondent as and when he completed ten years of service. His retrenchment was after rendering 15 years of service by the respondent. Taking note of these facts and circumstances even the appellants are not made



out a case on merit. Accordingly, the L.P.A. No. 1310 of 2019 stands dismissed.

3. Pending I.A.’s if any stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

krishnakant/-

U			
---	--	--	--

