
(2003) 09 PAT CK 0158

Patna High Court

Case No: L.P.A. No. 919 of 2003

Kushum Lal Mehta

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Sept. 29, 2003

Citation: (2004) 2 PLJR 114

Hon'ble Judges: Ravi S. Dhavan, C.J; Shashank Kr. Singh, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. By this letters patent appeal, the Appellant has challenged the order of 3rd July 2003 in CWJC. No. 199 of 1999 Kushum Lal Mehta v. The State of Bihar and Ors. It is necessary to reproduce the order which has been passed on the petition. It is below:

The Petitioner is aggrieved by an order by which he has been reverted from Class III post to Class IV post. The Petitioner was earlier workcharged employee. In course of time, he was absorbed in the regular-establishment on Class III post. This was not permissible. The relevant Government order does not permit adjustment of a workcharged employee holding lower post on higher post. In this view of the matter, the order of reversion does not appear to be illegal.

I thus do not find any merit in the writ petition which is accordingly dismissed.

2. Upon hearing learned Counsel for the Appellant and having perused the record of the petition as well as the appeal and also the order passed on the writ petition, this Court is unable to certify that the learned Judge has committed any error.

3. The Appellant concedes that he had been employed on the workcharge establishment. This means that he had made the entry to a Class IV post through the backdoor. Where millions are unemployed, the manner in which the Petitioner-Appellant got in, he should think himself to be lucky that he had retained

a job on a Class IV post. He cannot move on Class III post.

4. There is no error on the order of the learned Judge.

5. Dismissed.