

Union of India and ors Vs. Ravindra Kumar Gupta

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Court : Patna

Decided On : May-25-2012

Appellant : Union of India and ors

Respondent : Ravindra Kumar Gupta

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Letters Patent Appeal No.56 of 2012 In Civil Writ Jurisdiction Case No. 7709 of 2002 With Interlocutory Application No. 478 of 2012 With Interlocutory Application No. 479 of 2012 In Letters Patent Appeal No.56 of 2012

===== 1. Union of India through Secretary, Home Affairs, Government of India, New Delhi 2. The Secretary, Ministry of Defence, Government of India, New Delhi 3. The Commanding Officer, 890, Army Supply Core Battalion, C/O 5.A.P.O.

4. The Commanding Officer, 2 Trg Battalion, Army Supply Core Centre (North) Paharpur, Gaya Respondents-Appellants Versus Ravindra Kumar Gupta, Son of Sunder Sah, Resident of Village-Bansdiha, P.S. Kopa, District-Saran, Bihar. Petitioner-Respondent

===== Appearance : For the Appellants : Mr. Binay Kumar Pandey, C.G.C.

===== CORAM: HONOURABLE THE CHIEF JUSTICE and HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA ORAL ORDER (Per: HONOURABLE THE CHIEF

JUSTICE) 2 Patna High Court LPA No.56 of 2012 (2) dt.25-01-2012 2/2 2. 25-01-2012 Feeling aggrieved by the order dated 30th July 2010 made by the learned single Judge in above C.W.J.C. No. 7709 of 2002, the respondent Union of India has preferred this Appeal under Clause 10 of the Letters Patent. Learned advocate Mr. Binay Kumar Pandey has appeared for the appellants. He has submitted that the appellants have complied with the direction issued on 30 th July 2010 in respect of continuation of the respondent-writ petitioner in Army against a civil or non-combatant post in accordance with the order. He has, however, submitted that the relevant rule does not permit to accommodate an injured or incapacitated soldier to be posted on a civil or non-combatant post. Be that as it may, the appellants have, in compliance of the direction issued by the learned single Judge, made the order rejecting the request made by the writ petitioner. Appellants having complied with the direction issued by the learned single Judge, the present Appeal against the aforesaid order dated 30th July 2007 is misconceived. Appeal and the Interlocutory Applications are disposed of. (R.M. Doshit, CJ) (Birendra Prasad Verma, J) Pawan/-

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