

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2131 of 2015

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1. Pramod Kumar Singh Son of Late Jagdish Prasad Singh, Resident of Village - Baruari, P.S. - Supaul, District - Sharsa.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Birpur, District - Supaul.
4. The Superintending Engineer, Eastern Koshi Embankment Circle, Water Resources Department, Saharsa.
5. The Executive Engineer, Eastern Embankment Division, Water Resources Department, Supaul.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3
For the Respondent/s : Mr. GP23- ANIL KUMAR

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 16-04-2015

16.04.2015

Heard learned counsel for the parties.

Annexure-1 is the order passed by the Executive Engineer, Saharsa on an objection raised by the District Accounts Officer that since the petitioner has not passed the accounts examination, therefore, the benefit of time-bound-promotion given to him earlier is required to be revisited. This has led to re-fixation of his pay-scale and also order of recovery. Counsel for the petitioner submits that there was no requirement to pass the accounts examination for Lower Division Clerk. Besides, this order has been passed without any

opportunity of hearing being given to the petitioner.

Counsel further takes help of the decision rendered in identical circumstances by a Learned Single Judge in C.W.J.C. No. 15349 of 2012, decided on 02.12.2014 (a copy of the said Order is Annexure-10).

The contention of the counsel for the petitioner with regard to the above submission had been considered by the Learned Single Judge and allowed the writ application by quashing the order impugned therein.

The rational and reasoning given by the Learned Single Judge is also applied to the case of the present petitioner. Annexure-1, dated 28.08.2009 is hereby quashed.

Writ application is allowed. If any recovery has been made, the same will be refunded to the petitioner.

(Ajay Kumar Tripathi, J.)

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