

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2004 of 2011
IN
Civil Writ Jurisdiction Case No. 3611 of 2005**

- =====
1. The State Of Bihar
 2. The Commissioner and Secretary, Public Health Engineering Department (In Short P.H.E.D.), Bihar, Patna
 3. The Additional Secretary to Government P.H.E.D., Bihar, Patna
 4. The Joint Secretary to Government, P.H.E.D., Bihar, Patna
 5. Under Secretary, P.H.E.D., Bihar, Patna
 6. The Engineer-In-Chief - Cum - Special Secretary, P.H.E.D., Bihar, Patna

.... Appellant/s

Versus

Suresh Pandey S/O Late Shantu Pandey R/O Mohalla- Jyoti Puram Colony,
Ambedkar Path, Khajpura, P.S.- Shastrinagar, District- Patna

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Mayank Rukhaiyar(AC-GA3)
For the Respondent/s : Mr. Arvind Kumar Tewary, Advocate
MR. M.Qaisar Reza, Advocate

=====

**CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
and
HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA)

Date: 20-01-2015

I.A. No. 8911/2011:

The interlocutory application has been filed for
condoning the delay of 163 days in filing the appeal.

On a consideration of the facts and circumstances of
the case and the grounds mentioned in the application, the delay in
filing the appeal is condoned.

I.A. No. 8911/2011 is, accordingly, disposed of.

With the consent of learned counsels for the parties the matter is taken up for final disposal.

The appeal has been filed against the part of the common order dated 4.5.2011 passed in CWJC No. 3611/2005, out of which this appeal arises, as also CWJC No. 2836/2005 in which the order of punishment in the departmental proceedings was quashed and the writ application was allowed.

In CWJC No. 3611/2005 in view of the quashing of the order passed in departmental proceedings, the writ application was also allowed with the direction that the respondents shall consider the petitioner's case for regular promotion to the post of Chief Engineer with effect from 5.3.1994 and promotion to the post of Engineer-in-Chief with effect from 1.1.2002 in view of the fact that juniors to the petitioner had been granted such promotion with effect from these dates. Against part of the order dated 4.5.2011 in CWJC No. 2836/2005 the State of Bihar had preferred LPA No. 996/2012 which has been dismissed.

In the aforesaid view of the matter since the departmental proceedings have themselves been quashed without any liberty to the respondents to proceed afresh in the matter, it is evident that the order passed in CWJC No. 3611/2005 was essentially of

consequential nature and the respondents would be entitled to the benefits as was granted by the learned Single Judge.

In the aforesaid circumstances, the present appeal is dismissed.

(Ramesh Kumar Datta, J)

(Vikash Jain, J)

S.Pandey/-

U			
---	--	--	--