

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6880 of 2008

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Paras Nath Rai son of late Tota Rai, R/O village Mahaicha, P.O. Hathua,
District Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Department of Water Resources,
Govt. of Bihar, Patna.
2. The Secretary, Department of Water Resources, Govt. of Bihar, Patna.
3. The Secretary, Department of Finance, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Siwan.
5. The Executive Engineer, Saran Nahar Pramandal, Gandak Yojna, Bhore,
Distt. - Gopalganj.
6. The Superintending Engineer, Saran Canal Circle, Gandak Scheme,
Siwan.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Tej Bahadur Singh, Sr. Adv.
 Mr. Ranjeet Kumar Pandey, Adv.

For the Respondent/s : AC to SC-8

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 26-03-2015

Learned counsel for the petitioner is permitted to
implead the Superintending Engineer, Saran Canal Division,
Gandak Yojna, Bhore, Gopalganj, as respondent no. 6.

Heard Sri Tej Bahadur Singh, learned senior counsel,
who was assisted by Sri Ranjeet Kumar Pandey, learned counsel
for the petitioner and learned A.C. to Standing Counsel - 8.

The petitioner, invoking writ jurisdiction of this Court
under Article 226 of the Constitution of India, has prayed for
quashing of an order dated 17-12-2003 (Annexure '1' to the



petition) as contained in service book issued under the signature of respondent no. 5/Executive Engineer, Saran Nahar Pramandal, Gandak Yojna, Bhore, Gopalganj, whereby revised pay-scale of petitioner authorized by letter no. 1102 dated 09-10-2002 in pay-scale of 4000-100-6000 w.e.f. 01-01-1996 was brought down in the pay-scale of 3050-75-3950-80-4590 w.e.f. 01-01-1996. He has further prayed for quashing the order contained in letter no. 1794 dated 22-12-2006 whereby the petitioner was awarded 1st A.C.P. w.e.f. 09-08-1999 in pay-scale of 3200-85-4900 and 2nd A.C.P. w.e.f. 09-08-1999 in pay-scale of 4000-100-6000 and a prayer has also been made to revise the pay-scale of the petitioner. It has been stated that the petitioner in respect of claim has filed representation, however; no decision has been taken till date.

In this case, a counter affidavit has also been filed on behalf of respondents, which has been sworn by the respondent no. 5/Executive Engineer and a plea has been taken by the respondent that after receipt of the representation of the petitioner, the same has been forwarded to the office of the Superintending Engineer, however, nothing has been indicated as to whether any decision on representation of the petitioner has been taken or not.

Learned counsel for the petitioner emphasized that the petitioner is entitled to get the benefit of A.C.Ps. and revision of pay-scale, as claimed in the writ petition.

It appears that during the pendency of the writ petition, the petitioner superannuated w.e.f. 31-10-2008. Instead of going into the detail, the Court proposes to dispose of the writ petition with a direction to the newly added respondent no. 6 i.e. Superintending Engineer, Saran Nahar Pramandal, Gandak Yojna, Bhore, Gopalganj to consider the representation of the petitioner, as stated in paragraph - 9 of the counter affidavit of respondents and pass appropriate order in accordance with law, preferably within a period of three months from the date of receipt/production of a copy of this order.

With above observation & direction, the writ petition stands disposed of.

(Rakesh Kumar, J.)

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