

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 15148 of 2007

=====

Amrendra, son of Sri Chandra Deo Sharma, resident of village Jhunathi,
Police Station Parashbigaha, District Jehanabad, at present Head Clerk in
North Koel Canal Circle, Gaya.

.... Petitioner

Versus

1. The State of Bihar
2. Special Secretary, Irrigation Department, Government of Bihar, Patna.
3. Under Secretary, Department of Water Resource, Govt. of Bihar,
Patna.
4. Superintending Engineer, North Koel, Canal Circle, Gaya.
5. Chief Engineer, Department of Water Resource, Aurangabad.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Mukesh

For the Respondent/s : Mr. Rajeev Shekhar (AC to GP-24)

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6. 20-05-2015 Heard learned counsel for the petitioner and learned
A.C. to Govt. Pleader – 24.

The present writ petition was filed with a prayer to
direct the respondents to make payment to the petitioner in revised
scale w.e.f. 01-01-1996 as Head Clerk in the pay-scale of Rs.
5000-8000/-.

Learned counsel for the petitioner tried to persuade
the Court that almost in identical situation, this Court by order
dated 22-07-2005 in C.W.J.C. No. 9448 of 2001 had disposed of
the writ petition.

I have perused the order of the writ court, as contained
in **Annexure – 13** to the writ petition. On perusal of the order, the

Court is satisfied that there was no direction to grant such relief, as has been prayed in the present writ petition. Moreover, the said writ petition was filed in the year 2001.

In the present writ petition, a counter affidavit has been filed on behalf of respondent/State and it has been indicated that the petitioner was given promotion, vide letter no. 2486 dated 20-07-2007 in the pay-scale of Rs. 5000-8000/- w.e.f. 12-10-2000. Regarding the recovery, it has been indicated that in terms of the Government letter, it was required to be done, however; it could not be done, in view of the interim order passed in the present writ petition. So far as recovery portion is concerned, the Court is of the opinion that no such recovery can be made, however; keeping in view the fact that the petitioner has already been granted promotion in the pay-scale of Rs. 5000-8000/- w.e.f. 12-10-2000, there is no need to pass any positive order in favour of the petitioner.

The writ petition stands disposed of.

(Rakesh Kumar, J.)

Anay

U			
---	--	--	--