

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13928 of 2008

Thakur Prasad Singh, son of Late Ram Narayan Singh, resident of village Nanho, P.S. karakat, Distt. Rohtas, at present C/o Reena Rai, Flat No. 109, Nilgiri Bhawan, Boring Canal road, patna

.... Petitioner/s

Versus

1. The State of Bihar
2. the Chief Secretary to the Govt. of Bihar, Patna
3. The Commissioner –cum-Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
4. The Commissioner cum Secretary, Finance Department, Govt. of Bihar, Old Secretariat, Patna
5. The Commissioner –cum- Secretary, Department of Personnel and Administrative Reforms, Govt. of Bihar, Old Secretariat Patna
6. Deputy Secretary, Public Health Engineering Department, Govt. of Bihar, Patna
7. The Accountant General, Bihar, Birchand Patel path, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Brijendra Nath

Mr. Subodh Chandra Jha

For the Respondent/s : Sri Ranjan Kumar, Advocate

AC to Principal Additional Advocate General

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 15-09-2015

Heard Sri Brijendra Nath, learned counsel, who was assisted by Sri Subodh Chandra Jha, learned counsel for the petitioner, learned AC to Principal Additional Advocate General as well as Sri Ranjan Kumar, learned counsel who has appeared on behalf of the respondent no. 7/ Accountant General, Bihar.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for

directing the respondents to grant consequential benefits with effect from the date of his promotion to the post of Chief Engineer (Civil) i.e. from 1.9.1995. He has also prayed for directing for payment of dues with interest along with other reliefs.

Learned counsel for the petitioner at the time of argument orally submitted that the Government by Notification contained in Memo No. 450 Dated 17.7.1996 granted promotion to the petitioner as Chief Engineer (Civil) with effect from 1.9.1995. However, it has been indicated in the notification that the petitioner will be entitled to get financial benefit of the post of Chief Engineer from the date of issuance of notification i.e. notification dated 17.7.1996. Learned counsel for the petitioner has placed reliance on Annexure - "2" to the writ petition i.e. an order dated 29.11.2001 passed in CWJC No. 5903 of 2000 and submits that though by same notification similar orders were passed, in the case of Sri Ram Bachan Sinha, who was given promotion as Chief Engineer (Civil) by the said notification with effect from 21.8.1995 but financial benefit was required to be given from the date of notification, this Court interfered with the matter and directed for grant of pay of Chief Engineer from date of promotion not from the date of notification. He has also relied on subsequent order of this Court passed on 29.3.2012 in CWJC No. 9042 of 2007. The said writ petition was also disposed of in terms of



the order dated 29.11.2001 passed in CWJC No. 5903 of 2000 in the case of Sri Ram Bachan Sinha. Fact remains that impugned notification was issued long back in the year 1996 and the present writ petition was filed in the month of September 2008 i.e. after about more than 12 years from the date of notification. Of -course Sri Ram Bachan Sinha similarly situated with the petitioner had approached this court but the said writ petition was filed in the year 2000 itself. In normal course after lapse of such a long time this Court would not have entertained the writ petition even on the basis of the order passed in CWJC No. 5903 of 2000 but keeping in view the fact that subsequently one another writ petition filed in the year 2007 was allowed, this Court may examine the similarity of petitioner case. One Sri Ram Bailas Prasad Singh who was also granted promotion as Chief Engineer (Civil) with effect from 21.8.1995 but directed to be granted financial benefit from the date of issuance of notification like the petitioner, approached this Court by filing a writ petition vide CWJC No. 9042 of 2007. The said writ petition stood disposed of on 29.3.2012 in terms of the order passed in CWJC No. 5903 of 2000 (Ram Bachan Sinha vs. The State of Bihar & Ors.). Since subsequently also a bench of this court has passed similar order, it would not be appropriate for this Court to deviate from the subsequent order. Accordingly the writ petition stands allowed in

terms of the order dated 29.3.2012 passed in CWJC No. 9042 of 2007 as well as the order dated 29.11.2001 passed in CWJC No. 5903 of 2000.

(Rakesh Kumar, J)

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