

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16312 of 2007

Krishna Murari Mishra

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Asim Jha
Mr. Abhinav Shrivastava

For the Respondent/s : Mr. (Sc19)

CORAM: HONOURABLE JUSTICE SMT. ANJANA PRAKASH
ORAL ORDER

2 20-02-2015

The petitioner seeks for issuance of a direction, or writ

in the nature of mandamus to grant promotion to the petitioner with retrospective effect on the post of Assistant Engineer with effect from 17th June, 1986 and as such, all consequential benefits, monetary gains along with interest attached to the post of Assistant Engineer with effect from 07.1.1983.

Submission of the learned counsel for the petitioner is that the petitioner should have been paid higher salary, which was payable to the Assistant Engineer since he was working on such post. He relies upon Judgments reported in **AIR 1983 Supreme Court- 1060 (Smt. P. Grover Vs. State of Haryana and anr.)** and an unreported judgment of U.P. IN 517/1998.

From the counter affidavit filed on behalf of the respondent Nos. 1 to 5, it appears that the respondents denied payment on the ground that there was no sanctioned post.

I have gone through the judgments and find that they do not support the case of the petitioner in as much as contrary to the position therein the petitioner has never been promoted to the post of which he was claiming salary.

Hence, I find no merit in the petition and accordingly, it is dismissed.

(Anjana Prakash, J)

Sudha/-

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