

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2190 of 2008

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Ram Chandra Chaudhary, S/o Late Parmeshwari Chaudhary, resident of village-Samasa, Tola-Kastoli, P.S.-Mansur Chowk, District-Begusarai at present posted and working as Junior Engineer, State Highway Division, Purnia.

.... Petitioner/s

Versus

1.The State of Bihar
2. Sri R. K. Singh, Principal Secretary, Road Construction Department, Bihar, Patna.

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Appearance :

For the Petitioner/s : Mr. Ajeet Kumar
Mr. Avinash Kumar

For the Respondent/s : Mr. (Sc8)

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH
ORAL ORDER

13 24-11-2015 The petitioner has filed a supplementary affidavit annexing therewith the Notification of the State Government, being numbered as 14057(S) dated 24-9-2010 in the Department of Road Construction, wherein it is clearly noted that pursuant to the judgment of this Court in C.W.J.C. No. 3892/2005 dated 27-07-2007, the petitioner was granted promotion with effect from 24-3-2005. It is further noted in the said Notification that pursuant to the order passed on 4-8-2010 in M.J.C. No. 2190 of 2008, which arose out of the said writ proceeding, the petitioner was granted promotion with retrospective effect from 28-1-1991 along with full financial benefits, which was, however, subject to the result of the Letters Patent Appeal filed by the State against the

judgment of the writ court.

2. This, in my view, satisfied the grievance of the petitioner. It may be noted that the Letters Patent Appeal being L.P.A. No. 1531 of 2010 was thereafter dismissed as infructuous by order dated 4-5-2012.

3. Though the learned counsel for the petitioner submits that substantially his grievance has been redressed, what is left is the consequential action pursuant to the said Notification i.e., payment of dues consequent to the grant of promotion with effect from 1991. Learned counsel for the petitioner submits that the petitioner in the long course of litigation as since retired.

4. Having considered the matter, in my view, the promotion having been given from 1991, when his alleged juniors were granted promotion, the grievance of the petitioner is redressed. He should, thus, rest on this.

5. So far as the payment of monetary benefits is concerned, if the petitioner has not received full monetary benefits consequent to the retrospective promotion granted, he may submit a representation to the Principal Secretary, Road Construction Department, Government of Bihar, along with a copy of the order of this Court, giving detailed calculation in the matter, and bringing out as to what are the amounts due, and on such

representation being made, the Principal Secretary will get the matter enquired into and pass appropriate orders within two months and communicate the same to the petitioner without fail. If it is found that any amount has not been paid, it shall be the responsibility of the Principal Secretary to ensure immediate payment thereof.

6. This application is, accordingly, disposed of.

(Navaniti Prasad Singh, J)

B.K.Roy/-

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