

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11763 of 2013

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1. Banarasi Thakur Son Of Late Nemdhari Thakur Resident Of Village
And P.O. Sanhauli, Ward No. 12, P.S. Chitragupt Nagar, District - Khagaria

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Building
Construction Department, Patna
2. The Engineer - In - Chief - Cum - Special Secretary, Building
Construction Department, Patna
3. The Chief Engineer, Building Construction Department, North Bihar
Zone, Bihar, Patna
4. The Superintending Engineer, Building Construction Department,
Building Circle, Laheriasarai, Darbhanga
5. The Executive Engineer, Building Construction Department, Building
Division, Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashokkumar Mishra
For the State : Mr. Anjani Kumar, AAG4
Mr.Sajan Prasad, AC to AAG4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 21-09-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner has been given
first and second time bound promotion but claim has been
made that he has been given second time bound promotion in
the year 1998 whereas he is entitled to the second time
promotion retrospectively from 1988. In consequences, he is
claiming that he should be paid difference of arrears of salary
from 1988 to 1998. Other claim has been made by the

petitioner that he has not given benefit of ACP though he has retired in 2001.

So far arrears part is concerned, after delay of such a long period this Court cannot reopen the issue of calculation of entitlement of time bound promotion with effect from 1988. That prayer is rejected. However, petitioner will be at liberty to file representation for entitlement of ACP and if he is found entitled, the respondent authority will consider his case and pass the order in accordance with law.

For convenience, petitioner is directed to file a detailed representation along the order of this Court before the authority concerned and the authority will decide the same within a period of three months from the date of filing of the representation.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

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