

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.55 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 4471 of 2005
Along with
Interlocutory Application No.95 of 2016

- =====
1. The State of Bihar through the Chief Secretary, Bihar, Patna.
 2. The Secretary, Public Health Engineering Department, Technical Secretariat Bihar, Patna.
 3. The Special Secretary, Public Health Engineering Department, Technical Secretariat, Patna.
 4. The Deputy Secretary, Public Health Engineering Department, Patna.
- Appellant/s

Versus

1. Madhusudan Prasad Verma, son of late Sheojush Prasad, resident of Ashiana Nagar, Police Station-Shastri Nagar, Town and District-Patna.
 2. The Chairman, Bihar Public Service Commission, Patna.
 3. The Accountant General, Bihar, Patna.
- Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Sanjay Prakash Verma, Advocate
For the Respondent/s : Mr. Niraj Kumar, AC to GA-10

=====

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
&
HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 24-11-2016

Re.: Interlocutory Application No.95 of 2016 :

1. This Interlocutory Application is for condoning delay of two years and three hundred thirteen days in preferring the present Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we find that sufficient cause is made out for condoning the delay. Consequently, we condone the delay in the filing the present

Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No. 55 of 2016:

4. The challenge in the present Letters Patent Appeal is an order passed by the learned single Judge on 05.04.2011, whereby the writ application filed by the Respondent No.1 was allowed and the present appellants were directed to make payment of arrears of salary of the promotional post of Superintending Engineer and Chief Engineer to the writ applicant with effect from the date of promotion.

5. Learned counsel for the appellants contends that the writ applicant has not worked on promotion. Therefore, he is not entitled to the salary attached to the promotional post on the principle of “No Work, No Pay”.

6. We do not find any merit in the argument raised by the learned counsel for the appellants.

7. Once the writ applicant was found entitled to be promoted to the post of Superintending Engineer and Chief Engineer, he is entitled for consequential monetary benefits as well. He could not work on the promotional post because he was not promoted. Therefore, for the inaction or wrong action of the appellants, the writ applicant cannot be denied consequential monetary benefits.

8. In view thereof, we do not find any error in the order

passed by the learned single Judge which may warrant interference by this Court.

9. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, ACJ)

(Vikash Jain, J)

JA/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29.11.2016
Transmission Date	