

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5760 of 2014

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Raj Shekhar, S/O Late Ram Narayan Prasad, Resident Of Mohalla- Ramsagar, P.O.
And P.S.- Gaya, District- Gaya

.... Petitioner/s

Versus

1. The State Of Bihar through The Chief Secretary, Government Of Bihar, Old Secretariat, Patna
2. The Secretary, Department Of Personal And Administrative Reforms, Government Of Bihar, Patna
3. The Finance Commissioner, Govt. Of Bihar, Patna
4. The Commissioner Cum Secretary, Public Health And Engineering Department, Vishvesharaiya Bhavan Campus, Baily Road, Patna
5. Regional Chief Engineer, Public Health And Engineering Department, Patna Division, Patna
6. Chief Engineer, Mechanical, P.H.E.D., Bihar, Patna
7. Chief Engineer, Nagrik, P.H.E.D., Bihar, Patna
8. Joint Secretary, P.H.E.D., Government Of Bihar, Patna
9. Executive Engineer, Public Health Division, Sasaram, Rohtas

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Hriday Prasad

For the Respondent/s : Mr. GP31- Smt.Binita Singh

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 08-03-2016

Heard learned counsel for the parties.

Writ application is dismissed, because there is nothing to interfere with Annexure-24. In fact, consideration by the respondents in terms of order, dated 11.12.2012 is based on a judicial direction, issued earlier, where the direction was only to consider the absorption of the petitioner on the vacant post of Chemist under the State of Bihar.

The background is that the petitioner was appointed as a

Chemist in what is known as erstwhile Bihar State Sugar Corporation. That corporation went defunct and sick. All the employees were either required to be thrown out on the road or out of some sympathy and compassion were adjusted in some State departments here and there.

Emboldened by what the Learned Single Judge had to say in his order, contained in Annexure-20, dated 01.03.2005, now, the petitioner wants direction upon the respondents to consider him for all practical purposes to be born in the cadre of PHED from the date of his appointment in the Bihar State Sugar Corporation.

This Court will not grant any benefit over and above what the Learned Single Judge had given to him in the previous order. There is nothing illegal in the impugned order, contained in Annexure-24, since the benefit will accrue from the decision contained in Annexure-20 and not before.

However, since the petitioner was absorbed in PHED Department by a judicial pronouncement, he will get all the benefits from the date of his absorption.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

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