

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19818 of 2013

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1. Ram Lalit Singh S/O Late Saryug Singh Resident Of Village At P.O- Keshopur, P.S- Sakra, District- Muzaffarpur, Retired At Basic Health Worker From Primary Health Centre, Katra, District- Muzaffarpur.
 2. Arun Kumar S/O Late Shreekrishna Rai Resident Of Village- Kharahaia, P.O- Mangalgarh, P.S- Hasanpur, District- Samastipur, Retired At Basic Health Worker From Primary Health Centre, Chhourahi, District- Begusarai.
 3. Shyam Narayan Kunwar S/O Shiveshwar Narayan Kunwar Resident Of Village- Sahiardih, P.S- Rosera, District- Samastipur, Retired As Basic Health Worker From Primary Health Centre, Hasanpur, District- Samastipur.
 4. Dinesh Kumar Prasad S/O Late Harihar Lal Resident Of Village+ P.O- Karsaut, P.S- Gharaunda, District- Siwan, Retired As Basic Health Worker From Primary Health Centre, Maharajganj, District- Siwan.
 5. Vinod Kumar Verma S/O Late Shivji Prasad Verma Resident Of Village- Kshajama, P.S- Ander, District- Siwan, Retired As Basic Health Worker From Primary Health Centre, Ziradei, District- Siwan.
 6. Shankarji Rai S/O Late Jagarnath Rai Resident Of Village- Barhulia, P.S- Ziradei, District- Siwan, Retired As Basic Health Worker From Primary Health Centre, Ziradei, District- Siwan.

.... Petitioners

Versus

1. The State Of Bihar
2. The Principal Secretary, Personnel And Administration Reforms Department, Govt. Of Bihar, Patna.
3. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna.
4. The Principal Secretary, Health Department, Govt. Of Bihar, Patna.
5. The Director- In- Chief, Health Services, Govt. Of Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. SHASHI BHUSHAN SINGH
For the Respondent/s : Mr. SHAIL KUMARI

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-09-2016

Heard learned counsel for the petitioners and learned counsel for the State.

At the initial stage, the petitioners have confined their prayer that they should be given the relief in terms of the order passed in CWJC No.6096 of 1992 with respect to the payment of salary at par with the Auxiliary Health Worker but

it has been informed by the parties that the order passed in CWJC No.6096 of 1992 has already been set aside by the Division Bench in LPA No.313 of 1998.

In such circumstances, the petitioners have claimed that they should be given the benefit of promotion in view of the rule framed by the State Govt. and the State has pointed out that the rule does not disclose the Cadre scale of pay and in para-8 of the counter affidavit the State has taken a plea that the State would create promotional post corresponding to the respective scale of pay.

In such view of the matter, this Court cannot give any positive direction for granting the promotion but certainly the case of the petitioners should be considered in the light of the 2014 rules framed by the State Govt. in accordance with law.

Let the authority should take step for creation of cadre scale for promotion within reasonable time preferably within six months.

With the aforesaid observation, this writ application is disposed of.

(Shivaji Pandey, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	17.10.2016
Transmission Date	