

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10519 of 2012

=====

1. Suresh Chandra Prasad S/O Late Nageshwar Prasad R/O Vill-Mahmada, P.S.-Baruraj, Distt-Muzaffarpur, Presently Residing At Mohalla-Ganga Bridge Colony, Quarter No.C/61. Gur Ki Mandi, Gulzarbagh, Patna-800007, P.S.-Alamganj, Distt-Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Engineer(Mechanical) Mechannical Region, Road Construction Department Bihar
2. The Chief Engineer (Mechanical), Mechanical Region, Road Construction Department Bihar, Patna
3. The Superintendent Engineer (Mechanical), Mechancial Region , Road Construction Department Bihar, Patna
4. The Executive Engineer (Mechanical) National Highway Division Shekhpura, Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Surendra Singh

For the Respondent/s : Mr. Satya Vrat, AC to GP-10

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 10-08-2016

Heard learned counsel for the parties.

The sole grievance, which the petitioner has in the present writ application is that he is not being given benefit of grant of promotion from the post of *Plant Operator* to the post of *Operator Grade-I*. According to the petitioner, he was given such promotion by office order, dated 27.07.1999, issued by the Chief Engineer (Mechanical), Road Construction Department, Government of Bihar.

The petitioner has retired with effect from 31.01.2008.

A counter affidavit has been filed stating that there is no hierarchy or promotional avenue for *field staff* in the *Mechanical Wing* of the Road Construction Department and, therefore, there would be

no question of fixation of pay scale on the basis of the said office order, dated 27.07.1999, granting promotion to the petitioner on the post of *Operator Grade-I*.

Learned counsel appearing on behalf of the petitioner has submitted that no material has been brought on record by the State respondents to the effect that there is no promotional avenue for the *field staff*, and, therefore, denial of the benefits arising out of the said office order is arbitrary.

I do not find any force in the submission so advanced on behalf of the petitioner for the simple reason that that it was he who was required to satisfy this Court that there existed a cadre of *Operator Grade-2* and *Operator Grade-I* and the relevant rules or Government instructions prescribed for promotion from *Operator Grade-2* to *Operator Grade-I*.

On the basis of the materials on record, it cannot be said that the stand taken on behalf of the respondents that there is no promotional avenue for *field staff* in *Mechanical Wing* is not correct.

Considering the above, I do not find any merit in this application. This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

ArunKumar/-

U			
---	--	--	--