

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2341 of 2013

=====

Arun Kumar Jaiswal S/o Late Nageshwar Prasad Jaiswal, resident of Mohalla -
Manwar Lane, P.S. - Sultanganj, District - Patna, at present posted as Plumber
Mistry (Nal Yojak) in the office of Executive Engineer, P.HE. Dept., Patna West
Division, Rajbanshi Nagar, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Public Health Engineering Deptt. Govt. of Bihar,
Bishweshwariya Bhawan, J.L. Nehru Marg (Bailey Road), Patna
3. The Engineer-In-Chief-Cum-Special Secretary, Public Health Engineering
Department, Govt. of Bihar, Bishweshraiya Bhawan, Jawahar Lal Nehru Marg
(Bailey Road), Patna
4. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt.
of Bihar, Bishweshraiya Bhawan, Jawahar Lal Nehru Marg (Bailey Road), Patna
5. The Superintending Engineer, Public Health Engineering Department, Patna
Circle, Patna
6. The Executive Engineer, Public Health Engineering Department, Patna West
Division, Patna

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Purushottam Jha, Advocate
For the State : Mr. Nadim Seraj, G.P.5
Mr. Shailesh Kumar, A.C. to G.P.5

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-08-2016

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

The petitioner has brought to the notice of this Court that
there was dispute with regard to give an appointment as Nal Koop
Plumber Mistry as the petitioner has been claiming that he should be
given the benefit from 19.3.1996. It appears that the Government has
considered the case of the petitioner and vide Memo No.871 dated

12.8.2016, created one post of Plumbing Mistry with effect from 19.3.1996 for present petitioner.

In such view of the matter, one post of Plumbing Mistry has been created for petitioner and the letter has been addressed to the Principal Accountant General, Birchand Patel Marg, Patna and the same has been addressed to the Finance Department including the Managing Director, Biahrr Rajya Jal Parishad. The counsel has apprehension that the Treasury Officer would not recognize this letter and he will not get the benefit which has been extended by the Department. This Court is of view that the apprehension has no basis. When the Department has given the benefit, the Treasury is bound to follow the instruction. He cannot sit over the decision of the Principal Secretary of the Department.

In such view of the matter, the petition is disposed of as the grievance of the petitioner has been redressed and the petitioner is at liberty to raise the other grievances, if any which have not been redressed.

(Shivaji Pandey, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	18-09-2016
Transmission Date	