

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2582 of 2015

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Kameshwar Prasad Singh, Son of Late Shankar Singh, Resident of Village - Kohargarh, P.S. - Ekma, District - Chapra. Presently residing at Rajiv Nagar, Road No. 14, P.S. - Rajiv Nagar, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Secretary, Urban Development and Housing Department, Bihar, Patna.
3. The Principal Secretary, Department of Finance, Bihar Patna.
4. The Joint Secretary, Urban Development and Housing Department, Bihar, Patna.
5. The Deputy Secretary, Urban Development and Housing Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj

For the Respondent/s : Mr. Rajesh Kumar, GP-19

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 17-08-2016

Heard learned counsel for the parties.

Enough legal battles have already been fought and now there cannot be any dispute on the fact that the petitioner is a State Government employee and has to be treated so, from the date of his deputation. Such issues, therefore, must rest, not only in the light of the judicial orders and clarifications, issued from time to time, but even the notifications issued by the State Government, which are part of record.

The grievance of the petitioner now revolves around his right for promotion to the next higher post, which



is Executive Engineer. Petitioner was sent on deputation as an Assistant Engineer and his substantive post to that extent continued to be treated as Assistant Engineer, though it is the case of the petitioner that he was assigned and made to work as an Executive Engineer under the State Government, while the litigation with regard to absorption in the State Government and other correlated benefits carried out before one Court or the other.

Since the petitioner has been now treated to be on the rolls of the State from the year 1994 and even if for the sake of argument it is accepted that the petitioner will be treated as an Assistant Engineer, the post which he had held at the time of his deputation, the Court wonders, if any Assistant Engineer appointed in the year 1994, would remain so on the same post in the last two decades and odd.

The Court, therefore, directs the respondent-State authorities, especially the Principal Secretary, Urban Development and Housing Department, Government of Bihar that the case of the petitioner for promotion would be considered in accordance with the prevalent rules, relating to such promotion and eligibility, if necessary, by consulting the other departments as well, like, Finance and General Administrative and take a decision, preferably within a period of four months from the date of communication / production of

a copy of this order.

The petitioner is also given liberty to file his detailed claim with supporting materials and judicial orders and notifications to facilitate easy appreciation of the history of the dispute.

Writ application stands disposed off with above observation / direction upon the respondents.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	17.08.2016
Transmission Date	