

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1222 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 7440 of 2014

Along with

Interlocutory Application No.5216 of 2015

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Chunchun Prasad Singh, son of late Mahendra Prasad Singh, resident of Village-
Birangarh, P.S Barahat, District Banka.

.... Petitioner- Appellant

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Additional Commissioner-cum-Secretary, Water Resources Department, Govt. of Bihar, Patna.
3. The Chief Engineer, Water Resources Department, Bhagalpur.
4. The Superintending Engineer, Irrigation Circle, Bhagalpur.
5. The Executive Engineer, Irrigation Division Bounsi, District Banka.
6. The Treasury officer, Banka, District Banka.
7. The Accountant General (A &E) Bir Chand Patel Patna.

.... Respondents-Respondents

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh, Advocate
Mr. Balram Kapri, Advocate

For the Respondent/s : Mr. P.K. Verma, A.A.G.-3
Mr. Ujjwal Kumar Sinha, A.C. to A.A.G.-3

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 15-09-2016

Re.: Interlocutory Application No.5216 of 2015

The application is for condonation of delay of 53 days in filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find that sufficient cause is made out for condonation of delay. Consequently, we condone the delay in filing of the present Letters Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.1222 of 2015

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 21st of January, 2015 whereby, the writ application filed by the appellant claiming revised pay after setting aside the order dated 31st of March, 2004 remained unsuccessful primarily on the ground of delay and laches in approaching the Court.

2. The claim of the appellant for revised pay scale was considered and declined on 31st of March, 2004 when it was found that the appellant was given benefit of first time bound promotion with effect from 1st of March, 1991 in the pay scale of Rs.825-1200/- after ten years of the date of his regularization. The appellant did not

challenge the said order when he was in service and, in fact, challenged the order in the year 2014 after his superannuation on 31st of July, 2009.

3. The argument of learned counsel for the appellant is that one Ramanand Jha, who is similarly situated, was granted benefit of first time bound promotion with effect from 01.01.1982 and the second time bound promotion with effect from 26.08.1995 in the pay scale of Rs.825-1200/-. Therefore, keeping in view the order dated 14th July, 2012 in the case of Ramanand Jha, the appellant is entitled to the same benefit and that appellant cannot be treated in discriminatory manner.

4. We do not find that the appellant can rely upon the said order. In fact, what was granted to the appellant on 31st of March, 2004 was the pay scale of Rs.825-1200/- with effect from 1st of March, 1991 as the first time bound promotion, whereas the said pay scale was granted to the Ramanand Jha as the second time bound promotion from the year 1995. Therefore, there cannot be any parity between two sets of employees.

5. Still further, the appellant has been granted benefit of the first time bound promotion after expiry of 10 years from the date of his regularization, whereas, the said benefit was conferred on Shri Jha as Second time bound promotion. The appellant cannot get benefit of

time bound promotion from any anterior day than after completion of ten years after regularization of the services.

6. In view thereof, we do not find any error in the order passed by the learned Single Bench as the appellant is entitled to first time bound promotion after completion of 10 years of service, i.e. 01.03.1991 after regularization of his services and not from any earlier date, when he was appointed on daily wager.

7. Consequently, the Letters Patent Appeal is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	N. A. F.R.
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