

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5099 of 2013

Yogendra Choudhary S/O Late Gayanchand Choudhary R/O Mohalla- Raghuanth Tola, P.S.- Gardanibagh, Distt.- Patna-2

.... Petitioner/s

Versus

1. The State Of Bihar Through Its Principal Secretary Water Resources Development Deptt., Govt. Of Bihar, Patna
2. The Principle Secretary Personnel And Administrative Reforms Deptt., Govt. Of Bihar, Patna
3. The Principle Secretary, Finance Deptt., Govt. Of Bihar, Patna
4. The Grievance Redressal Committee Through Its Principle Secretary Water Resources Development Deptt., Govt. Of Bihar, Patna
5. The Under Secretary Water Resources Development Deptt., Govt. Of Bihar, Patna
6. The Chief Engineer (Mechanical), Water Resources Development Deptt., Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. R.C.P. Bharti, Adv.

Mr. Pawan Kr. Singh, Adv.

For the Respondent/s : Mr. Santosh Kumar, AC to GP-9

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 22-02-2016

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

In this case, the petitioner is seeking relief that he should be given financial benefit with effect from 3.2.1998 in view of office order dated 15.2.2011 by which the Chief Engineer, Water Resources Department, Patna has granted promotion to the petitioner in the pay-scale of Rs. 5000-8000 with effect from 3.2.1998. By another order dated 15.2.2011, in paragraph no.4, it has been stated that the financial benefit will be given from the date of joining. When the

petitioner was given promotion with effect from 3.2.1998, it does not stand to a reason why the financial benefit will not be given to him.

This Court is of the view that when he has been given the benefit of promotion from particular date, he cannot be deprived of the financial benefit specially in view of the fact that as per the claim of the petitioner, he was never given any benefit of promotion save and except the benefit of promotion on 15.2.2011.

Let the petitioner file an application before the Chief Engineer, Water Resources Department who will examine the case of the petitioner and pass an order with regard to the entitlement of the petitioner. The aforesaid authority will also consider with regard to granting financial benefit including pensionary benefit to the petitioner with effect from 3.2.1998 ignoring the letter dated 15.2.2011. The Chief Engineer will take a decision within a period of two months from the date of filing of a representation along with a copy of this order.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

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