

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3687 of 2014

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Vijay Kumar Singh Son of Late Tapeswar Singh, Resident of Village - Paipura,
P.S. Paliganj, District - Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Chief Engineer, Central Design and Research, Water Resources Deptt.
Anishabad
4. The Director, Damp Safety Circle, Water Resources Department, Harding Road,
Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Shailesh Kumar Sharma, Advocate.
For the Respondents : Mr. GP-18 V.PRASAD

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 11-02-2016

When luck arrives at the doorstep of a person and he draws due advantage thereof, he starts believing that such a situation reflect the actual realities of life. Little realizing the bounty is far removed from actual state of affairs in society.

The present case is one of those case and facts are unique in nature. This Court has not come across any decision of the kind taken at the level of a Chief Minister to give appointment on compassionate ground to a minor without really indicating in the order of appointment as to why such a benefit was being extended to the present petitioner. Annexure-1 is the order of appointment of the petitioner and is dated 16.07.1981. His appointment was on the post



of correspondence clerk giving him a regular pay scale even though the petitioner admittedly was a minor at that time. The officials realized the aberration, but since the directives was from the highest in the State, therefore, they did indicate in the order that since the appointment was under “special circumstances” therefore for calculation of other benefits including pension etc. it shall be done only when the petitioner attains 18 years of age.

Since greed has no limits the petitioner has been approaching the Court again and again looking for further bounties. The present writ application is second in line.

The first writ application was filed when while reviewing the situation about the grant of various kinds of benefits to the employees, at the highest level, which was at the level of the Chief Engineer, Water Resources Department, a correction was made in the date when the petitioner would beget the first time bound promotion. The sub-ordinate authorities treating his date of appointment in terms of Annexure-1 extended the benefit of first time bound promotion from 17.07.1991. But vide Annexure -7 it has been corrected or rectified to 27.04.1992 the date petitioner attained majority. After the decision of the Chief Engineer petitioner tried to paint a picture as if such a decision had been taken without any legal basis or without following any law.



When he approached the High Court, the High Court was not convinced with his submissions as to why a rectification was heeded and the previous position be restored to 17.07.1991. The order of the learned Single Judge is Annexure-9. The Court, however, did show indulgence by giving yet another opportunity to the petitioner to place his grievance before the concerned authority for reconsideration, especially before the grievance redressal committee.

The grievance redressal committee examined the history of appointment of the petitioner. The circumstances under which he came to be appointed and held the decision of the Chief Engineer to grant benefit of first time bound promotion to the petitioner, from the date he attained majority that is 27.04.1992 to be in order. Such decision of the grievance redressal committee has also been certified by the Commissioner of Patna Division, the nodal authority. The said order has been brought on record as Annexure-F/1 with the supplementary counter affidavit filed on behalf of the respondents.

The second round of litigation starts again challenging the order or the decision of the Chief Engineer the grievance redressal committee and if not Annexure-F/1.

The facts speak for itself. The petitioner cannot continue to derive benefits contrary to his terms of appointment. If an inadvertence or error crept into award of benefit of first time bound

promotion on the basis of issuance of Annexure-1 that cannot be his date for initial engagement, even in terms of Annexure-1. The clock will start ticking for the petitioner from 27.04.1992 and this is what the respondents have done.

Since the petitioner has been wasting valuable judicial time, resources by creating unnecessary litigations when he knew his position for long, the Court will be doing injustice to the system, the authorities including the Court of law by not imposing cost upon the petitioner for such frivolous and trivial repeated filing of writ applications.

However, the court refrains from doing so only an earnest prayer and plea made by the counsel at the bar by counsel for the petitioner.

The petitioner would be well advised to be cautious in future while drawing from the precious judicial resource which requires attention of more needy people.

Writ is dismissed.

(Ajay Kumar Tripathi, J.)

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