

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19520 of 2015

Satya Narayan Prasad Gupta Son of late Chalitra Prasad Gupta resident of Village - Gamharia, Post - Gamharia, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-Cum-Secretary to the Govt. of Bihar, Department of Finance, Patna.
3. The Commissioner-Cum-Secretary, Irrigation Department, Govt. of Bihar, Patna.
4. The Chief Engineer, Irrigation, Govt. of Bihar, Patna.
5. The Superintending Engineer, Irrigation Circle, Saharsa.
6. The Executive Engineer, Irrigation Division, Raghapur, District - Supaul.
7. The District Accounts Officer, Saharsa.
8. The Accountant General (A & E) Bihar, Patna.

.... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar
For the Respondent/s	:	Mr. Nagendra Pd. Yadav, SC-23 Mr. Sudhir Kumar Singh AC to SC-23
For the Accountant General	:	Mr. Uday Kumar

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 17-09-2016

Heard learned counsel for the parties.

Passing of departmental examination even for the purposes of time-bound-promotion is a must. No doubt there is provision for exemption under certain circumstances, but there is nothing to show that the petitioner ever obtained an exemption or was granted exemption. If that be so, then the benefit of time-bound-promotion given to him had been rightly taken away.

So far as the recovery is concerned, the respondent-authorities in their counter affidavit have stated that the recovered

amount has already been refunded to the petitioner, which is evident from paragraph 6 of the counter affidavit. So far as the revision of pension is concerned, the same cannot be allowed because the petitioner cannot beget certain advantages of a higher pay-scale without passing the departmental examination. Pension, therefore, would be required to be paid on the basis of the withdrawn amount of time-bound-promotion. No relief in favour of the petitioner can be granted in view of the given facts and circumstances.

Writ application stands dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	17.09.2016
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