

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12175 of 2008

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Md.Afroz Alam

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay

For the Respondent/s : Mr. A.C. to AAG 15

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 30-01-2017

Heard learned counsel for the parties.

The present writ application has been filed for a direction to the respondent authorities to promote the petitioner to Class III post from the date of initial appointment dated 23.3.1993 since the District Compassionate Committee recommended to appoint the petitioner on Class III vide its recommendation dated 13.9.1990 but the petitioner was appointed on Class IV post on 23.3.1993. It is further prayed that further consequential benefits of Class III post be given to the petitioner from the initial date of joining on Class IV post.

It is submitted by learned counsel for petitioner that the Executive Engineer vide letter no. 285 dated 10.6.2005 as contained in Annexure 9 to the writ application, recommended to the Superintending Engineer



that the petitioner has all the qualifications for being promoted on Class III post, whereas, vide letter dated 30.6.2005 (Annexure 10) the Superintending Engineer asked from the Executive Engineer, Rural Works Department, Supaul to furnish all such documents supporting qualification for being appointed on the vacant Class III post and consequently, all the relevant documents were sent by the Executive Engineer vide letter dated 20.7.2005 (Annexure 11) to the Superintending Engineer, Rural Engineering Organization, Works Division, Saharsa but the claim of the petitioner has not been settled.

It appears that the petitioner's case was recommended for compassionate appointment by the District Compassionate Committee on 13.9.1990 for being appointed on Class III post, but he was actually appointed on Class IV post on 23.3.1993. The petitioner accepted the offer of appointment but has raised grievance after about fifteen years, in as much as the writ application was preferred in 2008.

This Court finds that the claim of the petitioner is absolutely stale and misconceived.

Accordingly, this writ application is



dismissed.

(Dinesh Kumar Singh, J)

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