

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8437 of 2012

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1. Sri Ram Chandra Prasad Singh (Retired Junior Engineer) S/O Late Guru Sahay Prasad Singh Residing At Manik Chand Talab (Near By-Pass More), Anisabad, P.S.- Gardanibagh, District-Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Deptt. Of Water Resources Development (Irrigation), Govt. Of Bihar, Patna
2. The Engineer-In-Chief Deptt. Of Water Resources (Irrigation), Irrigation Bhawan, Govt. Of Bihar, Patna
3. The Joint Secretary Deptt. Of Water Resources (Irrigation), Irrigation Bhawan, Govt. Of Bihar, Patna
4. The Under Secretary Deptt. Of Water Resources (Irrigation), Irrigation Bhawan, Govt. Of Bihar, Patna
5. The Deputy Secretary Deptt. Of Water Resources (Irrigation), Irrigation Bhawan, Govt. Of Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shree Ganesh
For the State : Mr. Anil Kumar Singh, GP 26,
Mr. Gautam Kumar Yadav, AC to GP-26

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-11-2017

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

In the present case, petitioner has made a prayer for grant of
benefit of promotion on the post of Assistant Engineer (Civil)
with effect from 1.4.1981 claiming that juniors to him having
been granted the promotion but he has illegally been deprived.

The petitioner was appointed as Sub-Overseer in Water
Resources Department against the sanctioned and vacant posts of



overseer on 9.11.1956 vide memo no.838 dated 9.11.1956 whereafter he was promoted to the post of Overseer with effect from 10.11.1962 vide order no.7774 dated 5.8.1988 and ultimately superannuated from the post of overseer on 31.12.1991. After retirement the services of the petitioner to the post of Overseer was confirmed with effect from 1.10.1973 vide memo no.7427 dated 11.9.2003. Departmental Promotion Committee held a proceeding for granting benefit of promotion to the post of Assistant Engineer, in result certain persons juniors to the petitioner were given the promotion to the post of Assistant Engineer but petitioner was deprived of. He raised a grievance at different forums, ultimately approached this Court vide C.W.J.C. No. 1049 of 2000, this Court has disposed of the case vide order dated 1.2.2005, given direction to the respondents to consider and take decision in the matter of petitioner, but did not give result, compelled to approach this Court vide M.J.C. No. 1638 of 2007, though the Court dismissed the contempt application but was permitted to raise his grievance before proper forum. He raised his grievance with respect to his promotion at different forums on different occasions, ultimately succeeded and having been granted the benefit of promotion vide notification dated 13.2.2015 from the date Mehi Lal Singh was granted the benefit of promotion to



the post of Assistant Engineer in the scale of Rs.2200-4000/-

Learned counsel for the petitioner submits that though the benefit has been given with effect from the date Mehi Lal Singh but it is the notional promotion without giving monetary benefit. He has further submitted that his juniors were promoted but petitioner was illegally deprived. He has been granted promotion to the post of Assistant Engineer deprived him of salary though he was fit for promotion but made him illegally disentitled to the post of Assistant Engineer. He has further submitted if authority has given the benefit of notional promotion than it must be included with monetary benefit. He has placed reliance on the order dated 21.2.2012 passed in C.W.J.C. No.9938 of 2011 and judgment in the case of Md. Hafiz v. State of Bihar and others, reported in 2003 (2) PLJR 44 deals with identical situation, the Court granted the consequential benefit.

In such view of the matter, respondent authority is directed to calculate the consequential benefit and give the same benefit to the petitioner of the post of Assistant Engineer from the date Mehilal Singh has given. All process should be completed within a period of four months from the date of receipt/production of a copy of this order.

With the aforesaid observation and direction this writ



petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	1.12.2017
Transmission Date	NA

