

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.779 of 2014
IN
Civil Writ Jurisdiction Case No. 5269 of 2012**

- =====
1. The State of Bihar
 2. The Chief Secretary, Minor Water Resources Department, Government of Bihar, Patna
 3. The Secretary, Finance Department, Government of Bihar, Patna
 4. The Under Secretary, Minor Water Resources Department, Government of Bihar, Patna
 5. The Project Coordinator, Tube Well, Minor Water Resources Department, Government of Bihar, Patna
 6. The Chief Engineer (North) Tube Well, Minor Water Resources Department, Muzaffarpur
 7. The Superintending Engineer Tubewell Circle, Muzaffarpur
 8. The Executive Engineer, Tube Well Division, Chapra

.... Appellants

Versus

Gani Rai S/o Late Ramashray Rai R/O At + P.O.- Sadhpur, P.S.- Gorkha, District-Saran (Bihar)

.... Respondent

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Appearance :

For the Appellants : Mr. Vinay Kirti Singh, Senior Advocate
Mr. Akhileshwar Singh, Advocate
For the Respondent : Mr. Shashi Shekhar Tiwary, Advocate

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-03-2017

Heard counsel for the appellants and counsel for the respondent.

The order of the learned single Judge is set aside and the appeal is allowed because it was a case of substantive promotion granted to the private respondent in the year 1979 and, therefore, the first time bound promotion or the second time bound promotion will



flow from 08.03.1979 and not from 08.03.1969, the initial date of engagement in work charge. Since benefit of time bound promotion is against stagnation, the order of promotion dated 08.03.1979 should be date for calculating the benefit. The learned single Judge has committed error of fact in allowing the writ application.

His pension etc. will now be reworked in view of the order passed as above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
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