

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1847 of 2015

IN

Civil Writ Jurisdiction Case No. 16180 of 2006

With

Interlocutory Application No.8265 of 2015

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Chandeshwar Prasad Singh S/o Late Tripit Narain Singh Resident of village -
Karahri, P.O. and P.S. Bhagwanpur, Distt. - Vaishali

.... Appellant/s

Versus

1. The State of Bihar
2. The Commissioner - Cum - Secretary, Water Resources Department, Sinchai Bhawan, Old Secretariat, Patna
3. The Chief Engineer - in - Chief, Water Resources Department, Sinchai Bhawan, Patna
4. The Chief Engineer, Research and Training Irrigation Research Institute, Khagaul, Patna
5. The Chief Engineer, Water Resources Department, Balmiki Nagar, Patna
6. Executive Engineer, Water Resources Department, Balmiki Nagar, Camp, Motihari
7. Deputy Director, Research Division, Balmiki Nagar, Camp, Motihari

.... Respondent/s

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Appearance :

For the Appellant/s : Dr. Shashi Shekhar Kishore, Adv.

For the Respondent/s : Mr. Shankar Kumar Thakur, AC to GP-27

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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: 25-01-2017

For the reasons indicated in I.A. No. 8265 of 2015. the
delay of 63 days in filing the present L.P.A. is condoned.



Accordingly, the said I.A. is allowed.

The Court has noticed a tendency in certain set of Government employees that their greed for easy money does not end even after their superannuation. This is one of those cases in which the appellant does not seem to be satisfied even though he is reaching the evening of his life and wants to draw as much blood as he can, from the system of which he was a part once.

Way back in the year 2002 the appellant superannuated from the post of Junior Research Assistant. He was granted benefit of time bound promotions and higher pay scale. The said benefits became contentious. On the direction of a writ Court the order dated 17.6.2004, which was Annexure-15 to the writ application, came to be passed by the Chief Engineer. It was a rather detailed order having consequences for the petitioner, who is appellant here; therefore, he chose to challenge it in the writ application i.e. CWJC No. 16180 of 2006.

The learned Single Judge took note of the service history of the appellant that he was engaged in the work charge establishment on 20th February, 1963. He consequently was one of the lucky person who came into the regular establishment of the department with effect from 31st March, 1976. He earned a promotion as Junior Research Assistant in the higher pay scale, but despite such substantive



promotion, he was also granted benefit by grant of first time bound promotion w.e.f. 6.5.1987 and that too from the back date i.e. 1.4.1981. Monetary benefit was also derived from then on.

The bounty did not stop at that. Within a year on 20th February 1988 he was granted 2nd time bound promotion on completion of 25 years of service. The fallacy in such grants was that the period when the petitioner worked in the work charge establishment was also calculated in the length of service as also the fact that the appellant had earned a substantive promotion on the post of Junior Research Assistant was overlooked. Therefore, he was not eligible for benefit of stagnation scheme i.e. 1st or 2nd time bound promotion. That was obviously a serious omission by the respondent authorities in extending such benefits. The Finance Department did not approve such promotions for obvious reasons. Therefore, he challenged the said decision by filing a writ application which was disposed of with a direction to the Chief Engineer to consider the grievance of the appellant for grant of second time bound promotion. In the meanwhile, the petitioner superannuated from service in the year 2002. The Chief Engineer considered the entirety of the matter and passed the order which is Annexure-15 to the writ application, which is subject matter of challenge in this appeal.

The appellant has been conferred one too many benefits



contrary to all the rules and regulation, such as first time bound promotion and 2nd time bound promotion. This was part of stagnation scheme and is available after completion of ten five years of substantive service for the first time bound promotion, twenty years for 2nd time bound promotion and 30 years for the 3rd time bound promotion of substantive service.

The dates, on which such benefits had been granted in quick succession has been noted in the earlier part of the order itself, which is in complete disregard and violation of the rules and regulation.

Considering all these aspects of the matter, the learned Single Judge refused to interfere with the impugned order contained in Annexure-15 to the writ application.

In the opinion of the Court, the learned Single Judge has committed no error whatsoever in understanding either the facts or the rules or the regulations to such grant.

The learned counsel for the appellant did make a valiant effort to demonstrate before the Court an observation of the learned Single Judge made in C.W.J.C. No. 12068 of 1998 disposed of on 16.4.2003, which is part of Annexure-13 series of the writ application but the same is of no avail in view of the findings in writ against which the appeal has been preferred.

The appeal has no merit as the order of the learned Single



Judge does not suffer from any infirmity. The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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CAV DATE	
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