

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11552 of 2008

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Hari Shankar Prasad, son of Late Deo Narayan Singh, resident of Mohalla-Madhupalli, Near Saguna Devi Asthan, Danapur, P.O.+P.S.- Danapur , District – Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary Water Resources Department, Old Secretariat, Patna
3. The Chief Engineer (Yantriki) Water Resources, Department Old Secretariat, Patna
4. The Superintending Engineer, Water Resources Department Irrigation Yantriki Anchal Muzaffarpur
5. The Executive Engineer, Water Resource Department Irrigation Yantriki Division, Balmikinagar, West Champaran, Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : AC to SC No. 9

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 11-04-2017

1. Heard Sri Pankaj Kumar, learned counsel for the petitioner and learned AC to SC No. 9.

2. The petitioner, who superannuated with effect from 31.10.2007 had filed the present writ petition in the month of August, 2008 with a prayer to direct the respondents to take proper decision on his representation as well as legal notice (which was obviously submitted after retirement of the petitioner) for providing monetary benefit of 2nd time bound promotion as well as pay pursuant to letter no. 1880 dated 26.11.1987. He submits that the petitioner has claimed the benefit of pay -scale which was given to others on the basis of



I.T.I. certificate obtained prior to appointment. The petitioner was also having ITI certificate from the date earlier to his appointment and as such the petitioner is also entitled for the similar relief.

3. In this case a detailed counter affidavit was filed on 23rd July 2012 on behalf of the respondent nos. 3 to 5 . In paragraph no. 7 of the counter affidavit a specific stand has been taken that the petitioner's pay was fixed in the scale of Rs. 240-396/- from 01.01.1971 which was I.T.I. scale. It has been reiterated in the counter affidavit that petitioner was re-appointed as Temporary Assistant Fitter Grade -II by the Superintending Engineer, Tenughat, Circle No. III vide Memo No. 913 dated 15.4.1971 and as such, the pay scale of I.T.I. was granted to the petitioner with effect from his date of appointment. So far claim of 2nd time bound promotion is concerned , in paragraph no. 7 (v) a specific stand has been taken that 2nd time bound promotion was also granted to the petitioner with effect from 20.6.1994, however , this order was passed on 10.9.2009, after superannuation of the petitioner. Meaning thereby that both the reliefs which were sought for in the writ petition have already been granted to the petitioner. Of -course learned counsel for the petitioner tried to persuade the court that relief has not been granted properly, but in view of examination of the facts disclosed in the counter



affidavit , the court is of the opinion that relief which is being sought for in the writ petition has already been granted to the petitioner and as such, there is no need to keep the matter pending.

4. The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
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