

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9314 of 2015

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Shri Jagdish Ram Son of Late Saral Ram resident of House No. A2/2 , Purenendu Nagar , P.O. and P.S. - Phulwarisharif, District- Patna presently retired Superintendent of Bihar, Excise.

.... Petitioner

Versus

1. The State of Bihar through Chief Secretary, Bihar Patna.
2. The Secretary of Excise Department, Bihar, Patna.
3. The Commissioner of Excise Department , Bihar , Patna
4. The Joint Commissioner of Excise Department, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha, Advocate
For the State Mr. Hari Shankar Roy, AC to PAAG-1

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 25-05-2017

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

2. The petitioner was initially appointed as Assistant Sub Inspector of Excise in the year 1973. He was promoted on the post of Sub Inspector of Excise in the year 1983. He was again promoted on 8.9.2006 on the post of Inspector of Excise and regularized in the year 2008. The petitioner along with others were posted as Incharge Superintendent of Excise purely on



officiating basis vide order as contained in Memo No. 2813 dated 30.06.2008 (Annexure-13). In the said order, it is clearly mentioned that no claim on the basis of officiating as Incharge Superintendent of Excise shall be made. The petitioner retired from service on 31.7.2009. Six years after his superannuation, the petitioner has filed the present writ application claiming financial benefit for the post of Superintendent of Excise.

3. In view of the fact that the petitioner was posted as Incharge Superintendent of Excise on officiating basis and he worked as Incharge Superintendent of Excise till his retirement in his own pay-scale of Inspector of Excise, the claim of the petitioner regarding financial benefit for the post of Superintendent of Excise at this belated stage is misconceived.

4. Accordingly, the writ application is dismissed.

(Ashwani Kumar Singh, J.)

Kanchan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.05.2017
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