

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.24656 of 2013

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Rajeshwari Tripathy, Wife of Late Narmadeshwar Tripathy aged about 64 years, resident of B/3, B. Road, Anilsur Path, New Riverview Colony, Uliyan Kadma, Police Station- Kadma, District- East Singhbhum, Jamshedpur.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
2. The Joint Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
3. The Deputy Secretary, Road Construction Department, Vishweshwaraiya Bhawan, Bailey Road, Patna.
4. The Principal Secretary, Finance Department, Old Secretariat, Police Station Sachivalaya, District- Patna.
5. The Secretary, Rural Works Department, Bihar, Patna Vishweshwaraiya Bhawan, Bailey Road, Patna.
6. The Deputy Secretary, Personnel Claim Cell, Finance Department, Bihar, Patna.
7. The Under Secretary, Personnel Claim Cell, Finance Department, Bihar, Patna.
8. The Executive Engineer, Design Division, Ganga Bridge Project, Road Construction Department, Bihar, Patna.
9. The Executive Engineer, Planning And Resources Management Division No. 2, (Head Quarter), Rural Works Department, Patna.
10. The Executive Engineer, Rural Works Department, Works Division, Raxaul.
11. The Accountant General (Accounts And Entitlement), Bihar, Patna Birchand Patel Path, Police Station Kotwali, District- Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate.
For the State : Mr. Ajay Behari Sinha, G.A. 8 with Mr.
Upendra Kumar Singh, A.C. to G.A. 8.
For the A.G. : Mr. Raghwanand, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 07-09-2017

Re.: I.A. No. 6843 of 2016:

Learned counsel for the petitioner seeks permission to
substitute the name of Rajeshwari Tripathy, wife of late



Narmdeshwar Tripathy- the petitioner, as during the pendency of the present writ application, the petitioner died on 08.09.2015 leaving behind his heirs i.e., wife Rajeshwari Tripaty and five daughters, namely, Mamta Pathak, Amita Pandey, Anita Rani, Namita Rani, Ranjita Rani and only one son Sjit Kumar as mentioned in the paragraph no. 1 of the present writ application.

Permission is accorded.

Learned counsel for the petitioner is permitted to substitute Rajeshwari Tripathy, the wife of the petitioner, in course of the day.

Accordingly, I.A. No. 6843 of 2016 is allowed.

Re.: C.W.J.C. No. 24656 of 2013.

In the present writ application, the petitioner has sought for the following relief:

“That this application is filed for issuance of writ in the nature of certiorari for quashment of Memo dated 10.03.2011 and Memo dated 21.01.2011, whereby and whereunder the annual increments have been held to be inadmissible to the petitioner on grant of second Assured Career Progression (A.C.P.) in the higher pay scale of Rs. 10,000-15,200/- with effect from 09.08.1999 from 2000 to 2003 on account of non passing the departmental and professional examination”.



It has been pointed out by learned counsel for the State that the order under challenge are Annexures 1 and 2 to the present writ application. In pursuance to Annexures-1 and 2, the original writ petitioner, namely, Narmdeshwar Tripathy had already preferred a representation vide Annexures 15 and 16 before the Under Secretary, Personnel Claim Cell, Finance Department, Bihar, Patna, respondent no. 7. During the pendency of the said representation, the present writ application was also preferred before this Court. The said original writ petitioner, namely, Narmdeshwar Tripathy, during the pendency of the writ application, died on 08.09.2015 and on behalf of his wife named Rajeshwari Tripathy, a substitution petition was filed.

Since the aforesaid I.A. No. 6843 of 2016 has already been allowed and Smt. Rajeshwari Tripathy has already been substituted as the petitioner in the present writ application, the present writ petitioner Smt. Rajeshwari Tripathi is directed to make afresh representation before the respondent no. 7, Under Secretary, Personnel Claim Cell, Finance Department, Bihar, Patna, in pursuance to Annexures 1 and 2 by which her husband (original writ petitioner) was denied annual increment from 2002 to 2003.

The respondent no. 7, Under Secretary, Personnel



Claim Cell, Finance Department, Bihar, Patna, shall dispose of the representation of the present writ petitioner within a period of three months from the date of receipt of such representation without being prejudiced by Annexures 1 and 2 to the present writ application.

With the aforesaid observations and directions, the present writ application stands disposed of.

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(Sudhir Singh, J)

