

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.332 of 2017

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Lakshman Ram S/o Late Dinabahur Ram, Resident of Arjun Enclave, Flat No. 103,
Near Dental College, Ram Jaipal Path, P.S.- Rupaspur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through its Principals Secretary, Town Development and House Department and House Department Govt. of Bihar, Patna.
2. The Principal Secretary, Town Development and Housing Department Govt. of Bihar, Patna.
3. Engineer in Chief Cum Addl. Commissioner cum- Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
4. Chief Engineer, Road Construction Department Govt. of Bihar, Vishwaseraiya Bhawan, Patna.
5. Executive Engineer, Road Construction Department, Vishwaseraiya Bhawan, Patna.
6. The Secretary, Road Construction Department, Govt. of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. S.R.P.Baxi, Adv.
Mr. Sanjay Kumar, Adv.
For the Respondent/s : Mr. Ravish Chandra, AC to SC-6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 31-08-2017

Leave is granted to the learned counsel for the petitioner to add the Secretary, Road Construction Department, Govt. of Bihar, Patna as respondent no.6 to the present petition.

Heard Mr. S.R.P.Baxi, learned counsel appearing for the petitioner alongwith Mr. Sanjay Kumar, Advocate on record and Mr. Ravish Chandra, learned AC to SC-6, for the State.

The petitioner is holding the post of Assistant Engineer in the Department of Road Construction, Govt. of Bihar. During the course of service he was sent on deputation to Urban Development



Department but his services were returned and following which the petitioner represented before the Secretary, Road Construction Department vide Annexure 1 on 10.11.2016 for his transfer to home district at Rohtas or any place near thereto in view of the fact that he was due to retire in January, 2018. The grievance of the petitioner is that without disposing of his representation and even when the petitioner was almost within a year of his superannuation that he has been sent on deputation to a distant district at Madhubani vide notification bearing Memo No. 9736(s) dated 1.12.2016 in which the name of the petitioner appears at serial no. 10.

Mr. Sinha, learned Senior Counsel for the petitioner, in reference to a circular of the Cabinet Secretariat Department dated 3.6.2009 has submitted that the advisory has been issued to all the department to accommodate any Government employee, who is within a year of his superannuation as per his choice district. He submits that the petitioner has filed a representation before the Secretary, Road Construction Department on 5.12.2016 but which has remained pending.

Although a counter affidavit has been filed by the Urban Development Department but the counter affidavit of the Road Construction Department is wanting and in the circumstances this Court instead of keeping the writ petition pending would deem it



proper to dispose of the same with a direction to the Secretary, Road Construction Department to consider the request of the petitioner present at Annexure 4 in the backdrop of the advisory of the Cabinet Secretariat Department which recognizes the right of a superannuating employee for his choice district and dispose of the same expeditiously and preferably within four weeks from the date of receipt/ production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.09.2017
Transmission Date	NA

