

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.65 of 2012

In
Civil Writ Jurisdiction Case No.5461 of 2005

1. The State Of Bihar
2. The Secretary Personnel And Administrative Reforms
Department (Now General Administration Department),
Government Of Bihar, New Secretariat, Patna
3. The Commissioner, Saran Division, Saran At Chapra
4. The District Magistrate/Collector, Saran At Chapra

... .. Appellant/s

Versus

Kashi Nath Prasad S/O Late Naresh Prasad R/O Mohalla- Dahiawa Tola, Near
Pani Tanki, P.S.- Chapra Town, District- Chapra (SARAN)

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. P.N.Shahi, AAG-6
Mr. Dhirendra Kumar, AC to AAG-6
For the Respondent/s : Mr. Dr.Alok Kumar Sinha, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-10-2017

In the matter of granting the pay scale of Personal Assistant
to the writ petitioner for the period 1.2.1992 to 31.12.2004, the



learned Writ Court found that after the Personal Assistant to the Collector one Shri Bishwanath Prasad retired on 31.1.1992, the Collector, Saran at Chapra directed the writ petitioner to take over charge from Bishwanath Prasad and right from 1.2.1992 till 31.12.2004, the respondent-employee Kashi Nath Prasad worked as P.A. to Collector, Saran at Chapra.

In the meanwhile, as per rules a Selection Committee was constituted for considering respondent's case for promotion. The Selection Committee considered his case and found him suitable for appointment as Personal Assistant and made its recommendation. The recommendation was pending before the State Government for more than 5 years till his retirement and no action was taken by the State Government either to accept or reject the recommendation. On the contrary the Collector and the Commissioner repeatedly requested the State Government to grant substantive promotion to the writ petitioner on the post of P.A. but nothing was done and the respondent-employee was made to superannuate after working for more than twelve years as a P.A. and under these circumstances, the learned Writ Court found that it was a fit case where recommendation should have been acted upon and the employee having been made to superannuate as P.A., he was directed to be treated as P.A. and granted all the benefits.. In



doing so, in our considered view, taking note of inaction and lethargy on the part of the State Government, the learned Writ Court has not committed any error warranting reconsideration.

The appeal is, accordingly, dismissed.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
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