

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4375 of 2014

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Pankaj Kumar S/O Deo Narayan Paswan Resident Of Mohalla - Kastyaharni Ghat,
Munger, P.O. - Munger, P.S. - Kotwali, District - Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna
2. The Principal Secretary, P.H.E.D., Government Of Bihar, Patna
3. The Deputy Secretary, P.H.E.D., Government Of Bihar, Patna
4. The Chief Engineer, P.H.E.D (Mechanical) Bihar, Patna
5. The Superintending Engineer, P.H.E.D. (Mechanical) Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. D.N. Jha, Adv.
For the Respondent/s : Ms. Archana Meenakshi, GP-6
Mr. Prabhat Ranjan AC to GP-6

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT
Date: 17-07-2017

Heard Mr. D.N. Jha learned counsel appearing on behalf
of the petitioner and the learned A.C. to G.P.-6.

2. The petitioner filed this writ petition for quashing the
order dated 13.02.2014, as contained in Memo No. 01/A-1-Niyukti-
102/2013-99/Patna dated 13.02.2014 (Annexure-4) whereby the
petitioner was transferred from the Incharge Assistant Engineer to the
post of Junior Engineer in Munger Division Public Health
Engineering Department.

3. Mr. D.N. Jha learned counsel for the petitioner



submits that vide annexure-2, the petitioner was posted as Incharge Assistant Engineer vide Memo no. 195 dated 30.06.2005 in his own pay scale. The petitioner continued to be Incharge Assistant Engineer till the post of Assistant Engineer is filled up by the direct recruitment, but vide Memo No. 01/A-1-Niyukti-102/2013-99/Patna dated 13.02.2014, as contained in annexure-4, the petitioner has been transferred from the post of Incharge Assistant Engineer PHED, Sub-Division Munger to the post of Junior Engineer in the headquarters of PHED Department, Patna. It is submitted that notification amounts reversion of the petitioner from the post of Assistant Engineer to the post of Junior Engineer. It is further submitted that junior of the petitioner have already been promoted to the post of Assistant Engineer.

4. I do not find any substance in the submission of the petitioner and the same is not acceptable at all, as the notification of transfer of the petitioner itself shows that the petitioner was posted as Incharge Assistant Engineer in his own scale of Junior Engineer till the post of Assistant Engineer is filled up in accordance with law. The notification also clarifies that the posting of the petitioner as Incharge Assistant Engineer does not give him any right to claim any benefit of the post, therefore, the writ petition is dismissed as devoid of any merit. If the junior of the petitioner is promoted to the post of



Assistant Engineer, the petitioner, if so advised, may file writ for promotion.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2017
Transmission Date	NA

