

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.2081 of 2016
In
Civil Writ Jurisdiction Case No.3520 of 2000

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Director General-cum-Inspector General of Police, Bihar, Patna.
3. The Secretary to the Government in the Department of Personnel and Administrative Reforms, Old Secretariat Building, Patna.
4. The Additional Secretary to the Government in the Department of Personnel and Administrative Reforms, Old Secretariat Building, Patna.
5. The Deputy Secretary to the Government in the Department of Personnel and Administrative Reforms, Old Secretariat Building, Patna.

... .. Appellants

Versus

Harinandan Singh, S/o Late Satya Narayan Singh, resident of Village-Shambhupur, P.O.-Sarai, P.S.-Sarai, District-Vaishali.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Ujjwal Kumar Sinha
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 19-12-2017 Delay of one year and 86 days is condoned. I.A. No. 8683
of 2016 is allowed.

Heard counsel for the State on the merits of the matter.
Perused the order dated 02.07.2015 which is under challenge in
the present Letters Patent Appeal.

Vide order dated 29.09.1999 passed in C.W.J.C. No. 5857
of 1998 the learned single Judge had this to observe :



“For the reason aforesaid, I remit the matter to the Secretary, Personnel and Administrative Reforms Department with direction to consider the case of the petitioner for promotion to Junior Selection Grade Scale with effect from 4th June, 1983 i.e. the date the post was kept reserved for the petitioner and if so necessary, they will issue appropriate notification/corrigendum shifting back the date of promotion to Junior Selection Grade.

The authorities on such consideration are also required to provide the consequential benefit of the same, including promotion to senior selection Grade Scale, on completion of three years Kalawadhi taking into consideration the date of promotion to Junior Selection Grade.

A decision in this respect be taken and communicated to the petitioner within a period of four months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of with the aforesaid observations and direction.”

With the observations and direction, which was rendered on 29.09.1999, and that order having attained finality because the State never assailed it, the learned single Judge while deciding the new round of writ, which is C.W.J.C. No. 3520 of 2000, was left with no option but to ensure its compliance. It was in this background if the writ application was allowed, which, in our opinion, was not an erroneous order keeping the background into consideration.



Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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