

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.3578 of 2014

IN

Civil Writ Jurisdiction Case No. 1944 of 2014

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Madhusudan Das Gupta S/o Late Raj Kumar Gupta Resident of Village and Post -
Babura, P.S. - Barahara, District - Bhojpur

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Revenue Land and Reforms Bihar, Patna. Presently Mr. Vyas Jee
2. The Principal Secretary, Rural Development Bihar, Patna. Presently Mr. S.M. Raju
3. The Divisional Commissioner, Patna Division, Patna. Presently Mrs. Dr. Vijay Lakshmi Nadendla
4. The Districtl Magistrate, Patna District Patna. Presently Mr. Manish Kumar Verma
5. The Deputy Development Commissioner, Patna. Presently Mr. Dr. Rajiv Kumar
6. The Sub-Divisional Officer, Danapur, District - Patna. Presently Mr. Arbind Kumar Sharma
7. The Block Development Officer, Bihar District Patna. Present Mr. Kunj Bihari Singh
8. The Accountant General Bihar at Patna. Presently Mr. Sanjay Kumar

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the State : Mr. Raj Ballab Prasad Yadav

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL JUDGMENT

Date: 06-07-2017

None appears for the petitioner. Mr. Raj Ballab Prasad Yadav for the State and counsel for the Accountant General, Bihar are present.

C.W.J.C. No. 1944 of 2014 was filed and on 10.04.2014, the matter was disposed of. It was the case of the petitioner that as he was promoted vide order passed on 11.09.2004,



even after ten years of the promotion, as the monitory benefit accruing out of the promotion has not been granted to him, the writ petition was filed. Learned counsel appearing for the State representing the Block Development Officer made a statement that if a representation is submitted by the petitioner, the same shall be considered and a decision taken. Accordingly, the writ petitioner was disposed of directing the Collector, Patna to decide the representation of the petitioner and settle the claim of the petitioner.

Inter alia contending that the claim of the petitioner has not been settled, the contempt application was filed and from the show cause filed by the respondents 4 to 7, it is seen that the promotion granted to the petitioner vide order passed on 11.09.2004 was cancelled by the competent authority vide order dated 20th of May, 2005 when it was found that petitioner has not passed the departmental accounts examination conducted by the Board of Revenue and therefore, he was not entitled for the promotion. It is stated that accordingly the representation of the petitioner was considered and the decision communicated to the petitioner. As far as settlement of the pensionary claim after the retirement of the petitioner is concerned, it is indicated in the show cause that the petitioner was directed to appear with the papers as are indicated in the communication dated 13.12.2014 vide Annexure-C and as the



petitioner did not appear, the claim has not been settled.

From the show cause filed by the respondents, it is seen that the claim and representation of the petitioner as direction by this Court has already been decided by an order passed on 06.01.2015 vide Annexure-C and therefore, now no further indulgence into the matter is called for. In case, the petitioner has any grievance with regard to the manner in which the representation has been decided vide Annexure-C, the petitioner may agitate the same, in accordance with law.

With the aforesaid, the application stands disposed of.

(Rajendra Menon, CJ)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12/07/2017
Transmission Date	NA

