

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1788 of 2016

In
Civil Writ Jurisdiction Case No.22818 of 2011

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1. Md. Motiur Rahman Aziz s/o Late Md. Hasan R/o Mohalla Brahamputra, Mehendi Hasan Chowk, P.S. - Brahampura, P.O.- MIT Brahampura, Distt. Muzaffarpur
 2. Moinuddin Ahmad s/o Late Wasiuddin Ahmad R/o Vill.- Mansi Chapra, P.S. - Chakiya, P.O. - Bhuwan Chapra, Distt. - East Champaran

... .. Appellant/s

Versus

1. The State of Bihar Through Chief Secretary Old Secretariat, Patna
2. The Principal Secretary Cabinet Secretariat(Rajbhasha) Department, Govt. of Bihar, Patna
3. The Principal Secretary General Administration Department, Govt. of Bihar, Patna
4. The Principal Secretary Finance Department, Govt. of Bihar, Patna.
5. The Director, Raj Bhasha(Urdu) Directorate, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Abhinav Shrivastava
		Mr. Shailesh Kumar
For the Respondent/s	:	Mr. AC to GP 2

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

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 13-12-2017

Delay of 47 days in preferring the appeal is condoned. I. A.

No.7350 of 2016 is allowed. The matter is taken up on merits.

Perused the order dated 22.06.2016. The valiant effort and the battle, which has been fought by the present appellants, did result in framing of a rule providing avenues of promotion etc. But alas, so far as these appellants are concerned, they are only the



foot soldier, who have not been able to derive benefit of their battle because both of them have superannuated and the rule is not retrospective but prospective.

This is the reason why the learned Single Judge whose persistence brought the end result by way of the rule being finally put in place. But then he also felt the difficulty in extending the benefit of the rule to the retired people since the rule came into effect after their superannuation.

Only history will remember them as valiant fighters but nothing more can be done for them by way of reward, especially of the monetary kind, which they are looking at.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.12.2017
Transmission Date	NA

