

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2173 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 21713 of 2014**

=====

Binod Kumar Choudhary, Son of Shri Vimal Chandra Choudhary, Resident of village Manihari (Dharamshala Road), P.S.-Manihari, District-Katihar and Presently working as Treasury Guard in the office of Executive Engineer, at work Sub-Division Kesaria and Rural works Department, Work Division- Chakia, East Champaran .

.... Appellant/s

Versus

1. The State of Bihar, through Secretary Rural Works Department, Patna.
2. Secretary cum-Commissioner, Road Construction Department, Government of Bihar, Patna.
3. Secretary, Rural Works Department, Government of Bihar, Patna.
4. The Engineer in Chief cum-Additional Secretary cum-Commissioner, Road Construction Department, Government of Bihar, Patna.
5. The Engineer in -Chief cum-Additional Commissioner- cum- Special Secretary Rural Works Department, Government of Bihar, Patna.
6. The Chief Engineer-3, Rural Works Department, Patna.
7. The Chief Engineer, Ganga Pul Pariyojna Upbhag, Road Construction Department, Bihar, Patna.
8. The Superintending Engineer, Ganga Pul, Anchal no.2, Road Construction Department, Bhagalpur.
9. Superintending Engineer, Rural Works Department, Works Anchal, Motihari, (East Champaran).
10. The Technical Advisor, Ganga Pul, Anchal no.2, Road Construction Department, Bhagalpur.
11. The Executive Engineer, National Highway Road Division, Madhepura.
12. Executive Engineer, Rural Works Department, Works Division, Chakia, (East Champaran).
13. Executive Engineer, Vigilance Division-3 (Hqrs) Rural Works Department, Patna.



.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Makardhwaj Upadhyay, Advocate

For the Respondent/s : Mr. Dharendra Kumar, A.C. to AAG-6

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 03-04-2017

Having heard learned counsel for the parties, we find no reason to interfere into the matter. Even if while disposing of M.J.C. No. 2983 of 2011 some liberty was granted to the appellant on 30.04.2014 to challenge the order rejecting his representation, we find no claim made out in the matter of counting the service of the appellant between the period 1985 to 02.03.1999 for the purpose of granting him seniority and promotion. The representation of the appellant was rejected on 16.06.2014 and thereafter again on 04.08.2014 holding that he will get the benefit of seniority only from the date of regular appointment and not from earlier date and that being the legal position which is in accordance to the requirement of law, we find no case for any indulgence into the matter merely because the learned Writ Court did not advert to address this question specifically while deciding the writ petition. The appellant is unable to demonstrate before us as to how he can get seniority from 1985 to



02.03.1999 when this was only an official arrangement *ad hoc* in nature. If the appellant is entitled to any other benefit for this period, except seniority or promotion, the issue is kept open to be considered if required at the relevant stage. For the present, finding no indulgence to be made, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	04.04.2017
Transmission Date	

