

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.331 of 2014

In

LPA 833 of 2012

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1. Saroj Devi , wife of Late Surendra Prasad Sinha
2. Sharat Chandra Sinha, Son of Late Surendra Prasad Sinha
3. Shashank Shekhar Sinha, Son of Late Surendra Prasad Sinha
All are Resident of Village & P.O. Athar, P.S. Nawa Nagar, District
Buxar, (Bihar), Presently Resident of Mohalla Kisan Colony Phase-I,
P.O. Anisabad, P.S. Phulwari Sharif, District Patna

.... Petitioners

Versus

1. The State of Bihar
2. Secretary -cum- Commissioner, Road Construction Department, Bihar,
Secretariate, Patna
3. Engineer-in-chief-cum-Additional Commissioner -cum -Special
Secretary, Road Construction Department, Secretariate, Patna
4. Deputy Secretary, Road Construction Department, Secretariate, Bihar,
Patna

.... Respondents

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Appearance :

For the Petitioners : Mr. Sri Prakash Shrivastava
Mr. Binod Kumar Singh

For the Respondents : Ms. Nutan Kumari Sharma, AC to GA 1

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
AND
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

4 12-04-2017 The petitioners seek review of an order, dated
05.09.2014, passed in LPA No. 833 of 2012, whereby an
appeal preferred against an order of the learned Single
Judge, dated 16.01.2012, passed in CWJC No. 13872 of
2005, has been dismissed *in limine*.

It appears from the records that the petitioner



no. 1's deceased husband was working as Junior Engineer, in the Department of Road Construction, Government of Bihar. The original writ petitioner claimed his promotion to the post of Assistant Engineer, which was rejected. Being aggrieved, he had filed CWJC No. 13872 of 2005 before this Court. During the pendency of the said writ petitioner, the original writ petitioner died and the present petitioners, being successors of the deceased employee, came to be substituted in his place.

It also transpires that the petitioner no. 1's husband was granted notional promotion to the post of Assistant Engineer in the pay scale of 2200 – 4000, with effect from 01.04.1996, under notification, dated 18.03.2011. Since the promotion was granted notionally, the petitioner no. 1's husband was not getting any financial benefit out of grant of said promotion.

Considering the said grievance, learned Single Judge, by order, dated 16.01.2012, passed in CWJC No. 13872 of 2005, modified the order granting notional promotion with effect from 01.04.1996 and directed the State of Bihar to pay to the petitioners all consequential benefits arising out of the promotion to the post of Assistant Engineer with effect from 01.04.1996. The Court also directed the State-respondents to pay to the



petitioners the death –cum- retiral benefits accordingly.

The review petitioners have a grievance that persons juniors to the original writ petitioner have been granted promotion to the post of Assistant Engineer from the dates prior to the date with effect from which the original writ petitioner has been granted promotion. According to the petitioners, this aspect of the matter could not be looked into by the Division Bench, while dismissing the Letters Patent Appeal.

In our view, it cannot be ground for seeking of review of an order dismissing Letters Patent Appeal *in limine*. No error on record can be pointed out. The Division Bench, in the facts and circumstances of the case, considered it proper to dismiss the Letters Patent Appeal *in limine*.

In review jurisdiction, we cannot enter into the correctness of said order.

We find no merit in this application. This application is, accordingly, dismissed.

(Ashwani Kumar Singh, J.)

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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