

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17106 of 2008

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Harendra Bhagat, s/o late Ram Chandra Bhagat, r/o vill- Parsauni Dewajit, PS-Mehsi, Dist-East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health & Engineering Department, Government of Bihar, New Secretariat, Patna
2. The Chief Engineer Mechanical, Public Health & Engineering Department, Government of Bihar, Patna
3. The Superintending Engineer, Public Health Engineering Mechanical Circle, Muzaffarpur
4. The Executive Engineer, Public Health Engineering Mechanical Division, Muzaffarpur at Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ambar Nath Banerji
Mr. Bimlendu Shekhar Thakur

For the Respondent/s : Mr. (GA1)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 07-08-2018

1. The present writ petition has been filed for grant of salary for the period 01.10.2002 to 31.01.2003 as also the petitioner has prayed for re-fixation of the pay scale upon him having been reinstated in service and has consequently prayed for being granted continuity of service.

2. Admittedly, the respondents by order contained in Memo no. 304 dated 24.04.2017 have granted continuity in service of the petitioner herein for the period 01.10.2002 to 28.01.2003.

3. In view of the petitioner having been voluntarily reinstated by the respondents by an order dated 28.01.2003 w.e.f.



01.10.2002 as also having granted continuity in service by order dated 24.04.2017, this Court finds that the consequential relief has to be granted to the petitioner.

4. Accordingly, the respondents are directed to pay the salary for the period 01.10.2002 to 31.01.2003 to the petitioner herein as well as re-fix his pay scale w.e.f. 01.10.2002, considering the fact that he had not been terminated from service and had been in continuous service without any break in between 01.10.2002 to 28.01.2003. The benefits, as directed hereinabove, should be granted to the petitioner within a period of 08 weeks from today.

5. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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