

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9318 of 2016

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Akhilesh Kumar Singh, Son of Late Rameshwar Prasad Singh, Resident of
Professor's Colony, K.G. Road, P.S. Ara Nawada, District - Bhojpur 802301, Bihar.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Science and Technology, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Bihar, Patna.
4. The Director, Department of Science and Technology, Government of Bihar, Patna.
5. The Joint Secretary, Department of Science and Technology, Government of Bihar, Patna.
6. The Deputy Secretary, Department of Science and Technology, Government of Bihar, Patna.
7. Government Polytechnic, Gopalganj through its headmaster, Gopalganj, Bihar 841501.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kumar Kaushik, Adv.

For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-01-2018

Heard Mr. Kumar Kaushik, learned counsel appearing on
behalf of the petitioner. There is no representation on behalf of the State.

In the nature of the order which this Court proposes to pass it
would not be required to delve into the merits of the case. Suffice it to say
that the petitioner is aggrieved by the part of the order bearing Memo
No.210 dated 22.1.2015, whereby the petitioner has been granted 1st
Assured Career Progression in his own pay-scale of Rs.5000-8000/- with
effect from 31.1.2003 and the 2nd financial progression under the
Modified Assured Career Progression Scheme in the grade pay of
Rs.4600/-.



According to the petitioner, there is error in the order in so far as grant of pay-scale is concerned and which has been exhaustively dealt by the petitioner in his representation addressed to the Director, Science and Technology Department, Bihar, Patna, a copy of which is present at Annexure 9A to the supplementary affidavit which is dated 4.2.2015.

Mr. Kaushik, learned counsel appearing for the petitioner in reference to Annexure 9/B and 9/C submitted that since the representation at Annexure 9A was not being disposed of, that reminders were issued but failure of the respondents has forced the petitioner to approach this Court.

The records would transpire that the progression has been granted to the petitioner in purported compliance of the order passed by this Court in the previous round of litigation, however the benefits so accorded to the petitioner by grant of financial progression under the schemes in question does not satisfy him because according to the petitioner, he was already drawing his salary in the pay-scale of Rs.5000-8000/- and thus was entitled to 1st progression in the scale of Rs.5500-9000/- and the 2nd progression under the Modified Assured Career Progression scheme in the grade pay of Rs.4800/- but by the impugned notification he has been granted the progression on the same scale of Rs.5000-8000/-. He submits in reference to Annexure 9 series that the grievance has been raised by the petitioner before the Director, Science and Technology Department, Bihar, Patna, who is the competent authority and the respondent no.4 herein, but the matter has remained pending forcing the petitioner to move this Court. Mr. Kaushik has



invited the attention to an order of this Court at Annexure 2 which according to learned counsel supports the claim of the petitioner.

Having heard learned counsel for the petitioner and considering the grievance raised, I for the present, deem it proper to dispose of this writ petition with a direction to the Respondent no.4, the Director, Science and Technology Department, Bihar, Patna to consider the grievance of the petitioner as raised in the representation dated 4.2.2015, a copy of which is placed at Annexure 9A to the supplementary affidavit and dispose of the same by a speaking order in accordance with law and with opportunity of hearing to the petitioner who will be entitled to raise all issues as raised herein, within a period of 3 months from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09-01-2018
Transmission Date	NA

