

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8511 of 2001

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Shamsul Hoda Shamim (58 years), son of Late Nurul Hoda, Resident of Kashana Kothi, Mohalla Bhanwar Pokhar, P.S. Pirbahore, Town and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Secretary-cum-Commissioner, Building Construction Department, Govt. of Bihar, Bisesariya Bhawan, Bailey Road, Patna.
3. The Joint Secretary, Building Construction Department, Government of Bihar, Bisesariya Bhawan, Bailey Road, Patna.
4. The Chief Engineer, Building Construction Department, Govt. of Bihar, Bisesariya Bhawan, Bailey Road, Patna.
5. The Superintending Engineer, South Bihar circle, Building Construction Department, Govt. of Bihar, New Punaichak, Patna.
6. Mithilesh Kumar Sinha, son of name not known, At present Correspondence Clerk, South Bihar Circle, Building Construction Department, Govt. of Bihar, Punaichak, Patna. Residing at Quarter No. C-4, Road No.1, R. Block, P.S. Sachivalaya, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 15-03-2018

No one appears for the petitioner. Counsel for the State is also absent. Earlier the case was taken up on 6.3.2018. On that day also, neither of the parties was present.

In the present case, the petitioner has made a prayer for seniority from the date of his initial appointment as Correspondence Clerk on 5.6.1965 claiming the fixation of pay in the scale of Rs. 5000-8000 with effect from April, 1997.

The counter affidavit shows that though the petitioner was appointed in the year 1965 but, the post he was occupying was



abolished and, later on, he was brought in the service in the year 1972. So the period prior to 1972 having not taken into consideration for fixation of the seniority and the respondent no.6 was senior to him, he was senior most in his cadre and, on that account, he was granted seniority in the scale of Rs. 5000-8000 whereas the position of the petitioner was below the respondent no.6. Inasmuch as, the petitioner has already attained the age of superannuation, in that view of the matter, this Court does not find any merit in this writ application and the same is, accordingly, dismissed.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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