

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9228 of 2004

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Mithila Nand Sharma son of late Kameshwar Sharma resident of village Beharari
P.O. Kiyotna, P.S. Ghoghardiha, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner cum-Secretary, Water Resources Deptt. Govt. of Bihar, Patna.
3. The Deputy Secretary, Water Resources Deptt. Govt. of Bihar, Patna.
4. The Under Secretary, Water Resources Deptt. Govt. of Bihar Patna.
5. The Chief Engineer, (Mechanical) Water Resources Deptt. Govt. of Bihar, Patna.
6. The Superintending Engineer (Mechanical Circle) Koshi Project Birpur District Supaul.
7. The Executive Engineer (Mechanical) Div 2 Koshi Project, Birpur, Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rudal Prasad, Advocate
For the State : Mr. Neeraj Kumar, AC to GA10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-03-2018

Heard learned counsels for the petitioner and the respondent-State.

2. The writ petition has been filed by the petitioner claiming parity with one Manharan Sharma on the ground that though the said Manbharan Sharma was appointed in the work charge establishment later to the petitioner i.e., on 09.02.1968 whereas the petitioner was appointed on 01.10.1965, there is disparity in the pay scale of the petitioner with the said Manbharan Sharma.

3. The petitioner's counsel has placed one letter of the Superintending Engineer dated 10.02.1992 which is Annexure 10 to



the writ petition. From the same it appears that by virtue of acquiring the qualification of ITI in the year 1970 the said Manbharan Sharma was promoted as Electrical Supervisor. In case of the petitioner since he acquired the ITI qualification in the year 1972, the higher scale /post was granted subsequently to the petitioner. In view of the aforesaid facts, the petitioner cannot claim parity with the said Manbharan Sharma as he has acquired the qualification prior to the petitioner.

4. Counsel for the petitioner is harping on the fact that his appointment on the work charge establishment was prior to the said Manbharan Sharma. It is the clear stand of the State that the change in the designation/promotion was on the basis of passing technical trade of the ITI which as noticed above was in 1970 in respect of the said Manbharan Sharma and in the year 1972 in respect of the petitioner. Thus, petitioner cannot be permitted to claim parity with the said Manbharan Sharma in respect of designation/promotion as Electrical Supervisor.

5. The petitioner has since superannuated on 31.07.2003 and specific assertion of the State is that all the retrial benefits have already been paid to the petitioner.

6. In view of the aforesaid position, the petitioner has no enforceable claim for claiming parity with the said Manbharan Sharma.



7. The writ petition is devoid of merit and is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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