

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1994 of 2015

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1. Most. Radha Devi wife of Late Banwari lal
2. Ratan Lal Son of Late Banwari lal Both resident of Mohalla Amradi Gali, Nala Road, House of Sri Chandra Sekhar Rai, Police Station- Kadamkuan , Town and District- Patna Petitioners

Versus

1. The State of Bihar
2. Collector cum District Magistrate , Patna.
3. Senior Deputy Collector (Establishment), Patna.
4. Additional District Magistrate, (Establishment), Patna.
5. The Account General , In the office of Accountant General , Patna having its office of Birchand Patel Path , Patna Respondents

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Appearance :

For the Petitioner : Mr. Deepak Kumar Sinha, Advocate
For the State : Mr. GP 5
For the AG, Bihar : Mr. Kr.Priya Ranjan, Advocate, SC
Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 02-07-2018

Heard learned counsel for the petitioners and learned counsel for the State.

2. The writ petition has been filed for a direction on the respondents to quash order dated 11.7.2013, passed by the District Magistrate, Patna whereby claim for grant of super time scale to the husband of petitioner no.1 (Banwari Lal) has been rejected.

3. Said Banwari Lal has raised his claim pursuant to the order dated 9.5.2012, passed in MJC No. 4668 of 2011, whereby order dated 1.8.2011 passed in LPA No. 1824 of 2010 was modified. Said modification entitles the retired employee to agitate his grievance before the authorities.



4. Earlier also he had approached this Court by filing C.W.J.C.No. 11222 of 1999. The same was dismissed as withdrawn vide order dated 17.11.1999. Again he filed C.W.J.C.No. 13218 of 2005 wherein this Court vide order dated 7.9.2010 has accepted the reasons assigned for non grant of the super time scale to the petitioner. The reason assigned was that the benefit of time bound promotion as well as the super time scale can only be granted depending on the seniority of the persons, subject to availability of post in the 2.5% meant for grant of super time scale. Since the petitioner's husband did not fit in the prescribed mode, his claim was rejected.

5. The issue stood concluded under the said order which was not interfered with in LPA No.1824 of 2010. It is only when husband of petitioner no.1 sought modification, which was allowed to the extent that he may re-agitate the issue once again, the petitioners have filed the instant writ petition.

6. It has been specifically stated in the counter affidavit that the husband of petitioner no.1 retired on 28.2.1993 and till then there was no vacancy in the super time scale. In respect of her grievance regarding grant of super time scale to the junior or similarly situated employees is concerned, respondents have stated that only those employees junior to her husband were granted said



benefits who had cleared departmental accounts examination before him.

7. Learned counsel for the petitioners does not controvert the aforesaid facts nor the petitioners have filed any re-joinder to the counter affidavit denying the stand of the respondent authorities.

8. In that view of the matter, this Court finds no merit in the writ petition and the same dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
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