

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1515 of 2016

In
Civil Writ Jurisdiction Case No.13928 of 2008

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1. The State of Bihar.
 2. The Chief Secretary to the Govt. of Bihar, Patna.
 3. The Commissioner-cum-Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
 4. The Commissioner-Cum-Secretary, Finance Department, Govt. of Bihar, Patna, Old Secretariat.
 5. The Commissioner-cum-Secretary Department of Personnel and Administrative Reforms Govt. of Bihar, Old Secretariat.
 6. The Deputy Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.

... .. Appellant/s

Versus

1. Thakur Prasad Singh son of Late Ram Narain Singh Resident of village Nanho, P.S. Karakat, District Rohtas at present C/o Reena Rai, Flat No. 109, Nilgiri Bhawan, Boring Road, Patna.
2. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. P.N.Sharma, AC to AG
For the Respondent/s : Mr. Raghunandan Kumar Singh

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

8 11-01-2018 There is delay of 281 days in preferring the appeal. For the reasons indicated in I.A. No.5920 of 2016, delay is condoned. I.A. stands allowed. Matter is thereafter taken up on the merits.

Heard counsel for the State i.e. appellant as well as the private respondent.

The Court fails to appreciate the basis or reason for



preferring the present appeal because in two identical facts and circumstances in relation to grant of monetary benefit to the persons holding the post of Chief Engineer (Civil), the benefit was extended from the date the promotion was granted and not from the date of notification.

The learned Single Judge keeping in view similar reliefs granted earlier by two different writ courts and to ensure consistency in decision making, allowed the writ application and gave a direction in terms of order passed in CWJC No.9042 of 2007 as well as CWJC No.5903 of 2000.

There is no reason for this Court to adopt two different yardstick on identical facts.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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