

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.2678 of 2014

In

Civil Writ Jurisdiction Case No. 2098 of 2005

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Krishna Mohan Prasad Son of late Kamleshwari Prasad Sahu Resident of
Village- Vikhanpur, Bhagalpur, Police Station- Kotwali, District-
Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary Water Resources department, Government of Bihar, Sinchai Bhawan.
2. Sri Deepak Kumar Singh, Principal Secretary, Water Resources department, Government of Bihar Sinchai Bhawan, Patna.
3. Sri Sanjay Kumar Sharma, Deputy Secretary, Water Resources department, Government of Bihar, Sinchai Bhawan, Patna.
4. Sri Shambhu Saran Singh, Under Secretary, Water Resources department of Bihar, Sinchai Bhawan, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Adv.

For the Respondent/s : Mr. Gal- S.K.Sharma

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

10 12-02-2018

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

It is submitted that the petitioner was given
notional promotion to the post of Superintending Engineer
since the junior persons had already been granted



promotion to the post and the petitioner was allowed the pay-scale of Superintending Engineer with effect from 09.08.1999 itself consequent to the grant of 2nd A.C.P., but since the petitioner had not acquired the required benchmark, he was not found entitled for the grant of 3rd M.A.C.P under the aforesaid Rules. Accordingly, in its meeting held on 05.12.2013 (Annexure-c to the show cause), the petitioner's case was again considered for 3rd M.A.C.P. and his claim for grant of the same was not found eligible as his character role was not upto required benchmark. Thus, his case was rejected vide Memo No. 242 dated 05.02.2018 (Annexure-B to the show cause). Thereafter on 06.02.2018 vide Memo No. 330 entitlement of the petitioner was studied and he was granted the pay-scale of Rs. 37400-67000 (G.P. 8700). Learned counsel for the State, thus, submits that now no case of contempt is made out.

Learned counsel for the petitioner submits that the said Annexure- A is contrary to the pay-scale of Superintending Engineer. However, if the petitioner is aggrieved, he may challenge the same in an appropriate proceeding.



The Contempt application stands disposed of.

(Anjana Mishra, J)

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