

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.463 of 2018

IN

Civil Writ Jurisdiction Case No. 9799 of 2016

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Arun Kumar, Son of Sri Rama Nand Singh, Resident of Pakri, Opposite Block Office, Punpun P.O. & P.S. Punpun, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Road Construction Department, Govt. of Bihar, Patna Namely Mr. Amrit Lal Meena, I. A. S.
2. The Engineer-in-Chief -cum- Additional Secretary, Road Construction Department Govt. of Bihar, Patna namely Mr. L.N. Das.
3. Mr. Rajendra Prasad Gupta, the then Joint Secretary & presently the O.S.D-cum-Additional Secretary, Road Construction Department Govt. of Bihar, Patna.
4. The Deputy Secretary, Road Construction Department, Govt. of Bihar, Patna namely Mr. Mithilsesh Kumar.
5. The Department Promotion Committee through the Principal Secretary, Road Construction Department, Govt. of Bihar, Patna namely Mr. Amrit Lal Meena, I.A.S.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Bhan Singh, Adv.

For the Respondent/s : Mr. Ravi Bhardwaj, AC to GA-13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-07-2018

Heard Mr. Uday Bhan Singh, learned counsel appearing for the petitioner and Mr. Ravi Bhardwaj, learned Assisting Counsel to Government Advocate No.13 for the State.

The writ petition was disposed of with a direction to the Secretary, Road Construction Department to take expeditious steps for placing the case of the petitioner before the committee concerned for consideration of the case for grant of ACP as well as for consideration of his case for promotion to the post of Executive Engineer before the Departmental Promotion Committee, which exercise was to be undertaken within eight weeks of the order. On failure to comply the order that the contempt application was filed.



A show cause is filed and Mr. Ravi Bhardwaj, learned Assisting Counsel to Government Advocate No.13 in reference to paragraph 4 of the show cause submits that the petitioner has been promoted to the post of Executive Engineer vide departmental notification bearing No.629(S) dated 18.01.2018 a copy of which is enclosed at Annexure 'A' to the show cause. He next refers to the statement made at paragraph 5 of the show cause to submit that the petitioner has been granted benefits of second MACP in the Grade Pay of Rs.5400/- with effect from 01.04.2012 against which the petitioner has filed his representation as according to him, he is entitled to higher pay grade but which claim of petitioner has been rejected vide order bearing Memo No.1506 (E) dated 28.02.2018 a copy of which is enclosed at Annexure 'C'.

Taking note of the explanation in the show cause, no case of contempt is made out.

That the petitioner has been granted regular promotion to the post of Executive Engineer and the benefit of second MACP in case he is not satisfied with the relief granted he can take recourse to the remedy as available to him by filing an appropriate application before the appropriate forum. No case for contempt remains.

The contempt application is disposed of.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03-08-2018
Transmission Date	NA

