

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9617 of 2017

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Manoj Kumar Son of Late Ramdeo Paswan Resident of Village - coal Siding, Post - Mokama Ghat, P.S. Mokama, District Patna & presently residing at Mohalla - Grain Shop Para, Ward no. 15, P.S. & P.O. - Katihar, District - Katihar.

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Engineer-in-chief-cum-Additional commissioner-cum-Special Secretary, Flood Control and Water Drainage, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
5. Engineer-in-Chief, Headquarter, Water Resource Department, Bihar, Sinchai Bhawan, Patna.
6. The Joint Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
7. The Joint Secretary (Management), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
8. The Deputy Secretary (Management), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
9. The Under Secretary (Management), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
10. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
11. The Secretary (Expenditure), Finance Department, Government of Bihar, Old Secretariat, Patna.
12. Accountant General (A & E), Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratnesh Kumar Singh
For the Respondent/s : Mr. Vinay Kriti Singh- GA2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 25-07-2018 Heard learned counsel for petitioner and learned counsel for the State.

In the present case, the petitioner is seeking the following



reliefs:

(i) *quashing the memo No. 490 dated 27.03.2017(Annexure -17) issued under the signature of the Under Secretary, (Management), Water Resources, Department, Government of Bihar, Patna wherein the Water Resources Department, Department, Government of Bihar, Patna has deleted the due date of promotion mentioned in column 4 of the notification no.2525 dated 17.08.2005 in order to debar the petitioner from getting financial benefit of retrospective promotion from the due date except person mentioned at Sl. No. 30 of schedule – II of the said notification after 12 years in violation of their undertaking given to the Hon'ble High Court in CWJC No. 2803 of 1999.*

(ii) *grant consequential financial benefit of retrospective promotion with interest @ 12% and cost as granted by the Hon'ble High Court in LPA No. 552 of 1992.*

(iii) *grant consequential financial benefit of ACP/MACP w.e.f. 01.01.2009 alongwith interest @ 12% @ cost thereof.*

(iv) *grant any other relief to the petitioner which Petition is entitled in the facts and circumstances in this case.*

Same and identical issue has been decided by this Court in
CWJC No. 7245 of 2017 (Shankar Bhagwan Prasad Vs. The State



of Bihar & Ors.) which has been disposed of vide order dated 03.07.2018.

There is no dispute that order passed in that case is equitable and the same covers the issue involved in the present case. The petitioner is entitled to get the same relief as Shankar Bhagwan Prasad has been granted.

Accordingly this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/Sunny

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