

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10922 of 2011

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Sita Ram Rajak, Aged About 58 Years, S/O Late Munshi Rajak, Under Secretary,
Bihar Public Service Commission, Bailey Road, Patna, resident at Postal Park,
Indira Nagar Road No. -4, P.S. - Jakanpur, Distt. -Patna.

.... Petitioner/s

Versus

1. Bihar Public Service Commission, Bailey Road, Through Its Chairman.
2. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
3. The State Of Bihar
4. The Special Secretary, Administrative Department, Govt.Of Bihar, Patna.
5. The Joint Secretary, Administration Department, Govt. Of Bihar, Patna
6. The Principal Secretary, Finance Department, Govt. Of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Kumar Singh, Adv. Mr. Parmatma Singh, Adv.
For the State	:	Mr. Ravi Verma, Adv.
For the BPSC	:	Mr. Sanjay Pandey, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

Date: 02-07-2018

Mr. Abhay Kumar Singh, learned counsel representing the petitioner has even though tried to impress upon this Court that some disputes are still left to be agitated in the present writ application, however, from what has transpired in course of argument it became crystal clear that when the petitioner had moved this Court in this writ application the only relief sought for was for quashment of the order dated 23.06.2011 issued by the Joint Secretary, General Administration Department, Government of Bihar, Patna and for a direction to the respondents not to disturb the petitioner's promotion



on the post of Under Secretary in the office of respondent no.1 and to pay his all emoluments attached to the said post. It appears from Annexure-2, as contained in memo no.2417 dated 28.02.2002, that the petitioner was given provisional promotion in anticipation of approval from the Hon'ble Governor in the pay scale of Rs.6500-10500. In the year 2011, vide Annexure-1, the Joint Secretary of the General Administration Department informed the Secretary of the Bihar Public Service Commission that because the post of Under Secretary is not a cadre post available for purpose of promotion, the Finance Department has not given consent to the promotion given to the petitioner and thus there is no need of seeking approval of the Hon'ble Governor. Mr. Singh has informed this Court that during the pendency of the writ application, the petitioner continued on the post of Under Secretary without there being any disturbance and in fact what is stated in Annexure-1 has not virtually come in the way of petitioner in form of any hindrance in continuation of the petitioner on the post of Under Secretary. Learned counsel has further informed that in terms of Annexure-2 to the writ application the petitioner has received his salary and emoluments in the pay-scale of Rs.6500-10500.

Learned counsel representing the State has thus submitted that the fact is that the Annexure-2 has already been given



effect to and the petitioner has retired from service on 31.12.2015, Annexure-1 has lost its relevance and significance at this stage. Learned counsel for the petitioner has, in course of submissions, attempted to raise certain issues with regard to the non-payment of revised pay-scale which the petitioner was granted while working as Under Secretary in terms of Annexure-2 to the writ application.

If this is the position, so far as the present writ application is concerned, nothing remains for adjudication. In case, the petitioner feels aggrieved with regard to non-payment of revised pay scale, he will have liberty to raise his grievance before the competent authority and pursue his remedy in accordance with law.

The writ application is disposed off in terms hereinabove.

(Rajeev Ranjan Prasad, J)

Arvind/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	03.07.2018
Transmission Date	N/A

