

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18452 of 2010

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Parmanand Sinha S/O Late Ram Baran Sinha R/O Vill.- Simra, P.O.- Parsa Bazar, P.S.- Phulwari, Distt.- Patna

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary-Cum-Commissioner, Water Resources Department, Sinchai Bhawan, Bihar, Patna
3. The Engineer-In-Chief, Water Resources Department, Sinchai Bhawan, Bihar, Patna
4. The Chief Engineer (Mechanical), Water Resources Department, Old Secretariat, Bihar, Patna
5. The Superintending Engineer (Mechanical), Mithapur, Patna
6. The Executive Engineer, Field Machinery Division, Digha Camp, Karbigahia, P.O.- G.P.O., Patna
7. Bhola Prasad S/O Name Not Known At Present Working As Senior Mechanical Grade-Ii, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran
8. Mukhtar Singh S/O Name Not Known At Present Working As Senior Mechanical Grade-II, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran
9. Ashok Singh S/O Name Not Known At Present Working As Senior Mechanical Grade-II, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran
10. Sudhakar Sharma S/O Name Not Known At Present Working As Senior Mechanical Grade-II, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran
11. Md. Amirullah S/O Name Not Known At Present Working As Senior Mechanical Grade-II, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran
12. Satya Narayaan Chaudhary S/O Name Not Known At Present Working As Senior Mechanical Grade-Ii, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran
13. Harinandan Yadav S/O Name Not Known At Present Working As Senior Mechanical Grade-II, Mechanical Division, Gndak Project, Balmiki Nagar, Distt.- West Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

For the Respondent/s : Mr. (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-06-2018

The present writ petition has been filed for quashing



the order dated 6.12.2008 passed by the Chief Engineer (Mechanical), Water Resources Department, Bihar, Patna, whereby and whereunder, the petitioner has been granted notional promotion without any financial benefits in the said Mechanical Grade-II w.e.f. 1.4.1981 in place of 28.7.1977, the date on which the juniors to the petitioner have been promoted.

The respondent no.6 has filed a counter affidavit wherein it has been stated that promotion has been granted to the petitioner on notional basis w.e.f. 1.4.1981 on the post of Senior Mechanical Grade-II, honouring the order of this Court and the date of promotion has been fixed, as chosen, on the basis of the request made by the petitioner in a representation dated 26.7.1996. It has been further stated in the counter affidavit that the petitioner retired as Junior Mechanic Grade-I, hence he is lawfully not liable for financial benefit from the date of promotion, however, he would get benefits in the matter of grant of pension taking into account his promotion on notional basis w.e.f. 1.4.1981.

In view of the stand taken by the respondents in their counter affidavit, there is no merit in the present writ petition, accordingly, the same is dismissed.

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(Mohit Kumar Shah, J)