

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 17745 of 2016

=====

Mannu Prasad, Son of Late Sheolochan Prasad, Resident of Village- Noora, P.S.-
Masaurhi, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Land Reform & Revenue Department, Government of Bihar, Patna.
2. The District Magistrate, Patna Collectorate, Patna.
3. The Collector, Patna.
4. The Deputy Collector, Patna.
5. The Circle Officer, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 01-08-2018

Heard learned counsel for the petitioner and the State.

2. The petitioner has moved the Court for the following

reliefs:

“That the petitioner seeks indulgence of this Hon’ble High Court for the following relief/s:

(A) A writ in the nature of MANDAMUS or any other appropriate writ/s, order/s, direction/s commanding the Respondents for the following:-

i. To pay to the petitioner, the entire retiral benefits, i.e., due to be granted to him in accordance with the pay scale, he is entitled to.

ii. To grant the Petitioner the benefit of second time bound promotion.

iii. To recalculate the pay to the Petitioner his pension according to the second time bound promotion along with the arrears.

iv. To pay to the Petitioner the remaining amount of his provident fund.

v. To calculate the arrears of the Petitioner accordingly.”



3. In essence, the petitioner seeks second time bound promotion and consequent thereto revision of entire pensionary benefits.

4. Counter affidavit has been filed on behalf of respondents no. 2, 3 and 5, stating that all admissible retiral dues have been paid and with regard to second time bound promotion, in view of his service period being less than 25 years, the petitioner has been held ineligible for such benefit. It has further been stated that first time bound promotion has been granted under letter dated 27.08.2009 with effect from 01.01.1996.

5. In view thereof, the said date of first time bound promotion i.e., 01.01.1996, not being assailed by the petitioner at the appropriate time, and in the present writ application also, there being no challenge to the same, obviously, the Court finds that the contention of the State is correct that he having superannuated on 31.01.1999, would not qualify him for second time bound promotion.

6. Accordingly, the admitted and admissible dues of the petitioner having been paid, the writ petition stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

