

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2583 of 2016

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Shyama Rani Das, Wife of Late Arun Kumar, Resident of Staff Quarter,
P.H.E.D., Pump House, Mohanpur, Punaichak, P.S.- Shastri Nagar, District-
Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Public Health Engineering Department, Govt of Bihar, Patna
3. Chief Engineer, Mechanical, Public Health Engineering Department, Govt of Bihar, Patna
4. Superintending Engineer, Mechanical, Public Health Engineering Department, Govt of Bihar, Patna
5. Executive Engineer, Bihar State Jal Parishad, Works Division-I, Kankarbagh, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms Soni Shrivastava, Mr Ravi Bhardwaj, Advocates
For the Respondent/s	:	Mr Kinkar Kumar, SC IX withdraw Mr Sushant Praveer, AC to SC IX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-04-2019

Heard learned counsel for the petitioner and the respondent-State.

The issue, in the present writ petition, has been contested by the petitioner since long. Prior to the petitioner, her husband had been agitating his claim for grant of promotion to the post of Mechanic Grade I from the post of Fitter. petitioner's husband had all along been claiming benefit of the promotion



having regard to the fact that another Fitter, namely, Mr K B Sharma, who was junior to the petitioner, had been granted promotion as Mechanic. After series of litigation, the respondents, in the impugned order dated 27.02.2015, has come out with a case that the promotion of Mr Sharma has also been withdrawn as neither Mr Sharma nor the petitioner was entitled to promotion as Mechanic Grade I.

The issue of promotion, therefore, claiming parity with Mr Sharma, does not survive in view of the order dated 27.02.2015.

The matter does not stop here. In the impugned order dated 27.02.2015, respondents have admitted that the petitioner was senior to the said Mr Sharma. Learned counsel for the petitioner, placing reliance on Annexure G to the counter affidavit filed by respondents No 2 to 5, submits that higher scale of pay has been granted to Mr Sharma under the order dated 11.04.2015. The said order, as per submission of the petitioner's counsel, allows petitioner an opportunity to claim at least the same scale as has been granted to Mr Sharma under order dated 1.04.2015.

Having regard to the admitted position that the petitioner is senior to Mr Sharma, claim in this respect has been raised by the petitioner, this Court would observe that in view of the admitted



position, respondents would consider grant of the said scale granted to Mr Sharma by order dated 11.04.2015, if there is no other impediment in grant of the same to the petitioner.

Let the claim of the petitioner for the said scale be considered and disposed of by a reasoned and speaking order in accordance with law.

Writ petition is disposed of.

Respondent No 3 would dispose of the petitioner's claim by reasoned and speaking order in accordance with law and ensure payment of admissible dues within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

