

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8539 of 2015

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Jaipal Das S/o Late Jodhamal R/o 134/4, Lukerganj, P.S. Khuldabad, Town
and District - Allahabad U.P.

... .. Petitioner

Versus

1. The State Of Bihar through Chief Secretary, Govt. of Bihar, Main Secretariat, Patna
2. The Principal Secretary, Cabinet Secretary Department, Govt. of Bihar, Main Secretariat, Patna
3. The Principal Secretary, General Administration Department, Govt. of Bihar, Main Secretariat, Patna
4. The Principal Secretary, Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna
5. The Principal Secretary, Minor Water Resources Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna
6. The Joint Secretary Management Cell , Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna
7. Mr. Bindeshwar Ram S/o name not Known to the Petitioner, at Present holding the Current Charge of Chief Engineer, Minor Water Resources Department, Govt,. Of Bihar Vikash Bhawan New Secretariat Patna
8. Mr. Narendra Kumar S/o name not known to the petitioner, at present holding the current charge of Chief Engineer, Minor Water Resources Department, Muzafarpur
9. Mr. Sunil Kumar S/o name not Known to the Petitioner, at Present holding the Current Charge of Chief Engineer (Monitoring Cell) Minor Water Resources Department, Govt. Of Bihar Vikash Bhawan New Secretariat Patna

... .. Respondents

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Appearance :

For the Petitioner	:	Mr.Purushottam Kumar Jha Mr. Avanindra Kumar Jha
For the Respondents	:	Mr. S. C. 20 Mr. Pravin Kumar, AC to SC 20

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-08-2019 This writ petition had been filed by the petitioner

prior to superannuation seeking direction for issuance of

notification in respect of his promotion to the post of



Superintending Engineer.

The petitioner's case is that all formalities had been completed for ascertaining his entitlement for the said promotion and the petitioner had been found fit in all respect and there was recommendation for his promotion but notification was not issued by the authorities.

It is submitted that if such notification promoting the petitioner as Superintending Engineer was to be issued, the petitioner would also be entitled to subsequent promotional benefits and consequences arising therefrom.

Counter affidavit filed by the respondent authorities discloses that the petitioner was recommended by the departmental promotion committee with concurrence of the BPSC and the cabinet had also accorded approval for his promotion as Superintending Engineer on 5.8.2014, on account of general ban upon promotion imposed by the General Administration Department petitioner's promotion could not be notified.

Parties are in agreement that now that ban has been lifted. In the circumstances, this Court would observe that if notification of petitioner's promotion as Superintending Engineer has not been issued till date in the light of



recommendations made earlier as approved by the cabinet on 5.8.2014 the same should be issued notifying due promotion. It is also observed that the petitioner's claim for the subsequent promotion on the higher post should also be considered by the authorities having regard to the statement made by the petitioner that respondent Nos. 7 and 9 who were junior to the petitioner have already been promoted as Chief Engineer in the department.

Let notification of the petitioner's promotion as Superintending Engineer be issued if there is no other impediment within a period of eight weeks from the date of receipt/production of a copy of this order. The authorities should also dispose of the petitioner's claim for promotion on account of his juniors having been promoted as Chief Engineer by a reasoned and speaking order within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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