

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8192 of 2011

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Kumar Jainendra Kakanwar, S/o Late Shivanand Prasad, R/o Mohalla -
LIGH - 58, Housing Colony, Kankarbagh, PS - Kankarbagh, Town, Distt -
Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources
Department, Sichai Bhawan, Bailey Road, Patna
2. Under Secretary, Water Resources Department Sichai Bhawan, Patna
3. Chief Engineer, Water Resources Department, Muzaffarpur
4. Superintending Engineer, Planning and Monitoring Circle, Gandak Project,
Muzaffarpur
5. Executive Engineer, Planning and Monitoring Division No 1 Ratwara,
Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Nazir Ansari, Advocate
For the Respondent/s : Ms Prakritika Sharma, AC to SC XXV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 01-07-2019

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

2 Petitioner has challenged the order dated 17.10.2006
issued under the signature of the Commissioner -cum- Secretary,
Water Resources Department, Government of Bihar, Patna.

3 Petitioner, who is working as Supervisor Grade II,
had claimed that he be redesignated as Junior Research Assistant.



Claim of the petitioner has been rejected under the order dated 17.10.2006.

4 Petitioner's counsel submits that he is entitled to be redesignated as Junior Research Assistant in terms of the Government decisions. He has claimed parity with others, details of which has been disclosed in the petitioner's reply to the counter affidavit. Petitioner has also claimed the benefit of monetary progression for the period of services rendered by him.

5 In respect of his claim for redesignation, the State-respondents, in their counter affidavit, have taken a stand with respect to the petitioner's claim of parity with one Shri Rabindra Kumar Jha and Shri Md Qutbuddin. The specific stand is that in light of the extant circulars in this regard, only such employees would be promoted or redesignated who were working as Field Assistant/Laboratory Assistant and Senior Supervisor. Both the persons, with whom the petitioner claims parity, held the post of Field Assistant whereas the petitioner was holding the post of Supervisor Grade II.

6 The said assertion made by the learned counsel for the State has not been denied or disputed by filing any rejoinder though copy of the supplementary counter affidavit was served on



the petitioner's counsel on 27.03.2017 itself. Claim for redesignation, therefore, does not merit any consideration.

7 As regards petitioner's entitlement to monetary progression, counter affidavit filed by the State discloses the fact that the benefits, under first time bound promotion granted with effect from 14.08.1982, are pending since the Executive Engineer has sought confirmation of the said benefits from the higher authority, namely, Chief Engineer, Water Resources Department, Muzaffarpur and such confirmation is still awaited.

8 Stand of the State only discloses inaction on its part.

9 Having regard to the same, this Court would direct that the decision be taken by respondent No 3 on the recommendation/letter dated 28.06.2011 (Annexure B to the counter affidavit) seeking confirmation for time bound promotion benefits to the petitioner expeditiously and without any undue delay.

10 In respect of the claims on account of benefits under the Assured Career Progression (for brevity, *ACP*) Scheme, the position is more or less the same. Communication has been sent from the office of the Executive Engineer to the same respondent No 3 on the same date. However, no action has been taken by respondent No 3 till date. The communication for grant of benefits



to the petitioner under the ACP Scheme is also dated 28.06.2011
(Annexure E to the counter affidavit).

11 Respondent No 3 should take final decision on both
the claims in accordance with law by a reasoned and speaking
order and dues found admissible in favour of the petitioner should
be expedited.

12 Let the entire exercise be completed by respondent
No 3 within three months from the date of receipt/production of a
copy of this order.

13 Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.07.2019
Transmission Date	NA

