

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7094 of 2017

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Ram Sagar Dwivedi Son of late Deuta Dwivedi Resident of Village- Padar
Khap, P.S. Bhairoganj, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Engineer, Building Construction and Housing Department Bihar,
Patna.
3. The Executive Engineer, South Bihar Anchal Public Works Department
P.W.D., Patna.
4. The Awar Pramandal Officer, Golghar R-Block Awar Pramandal, Patna,
Bihar.
5. The Executive Engineer, Construction Division No. 2 Buidling Construction
and Housing Department, Patna
6. The Executive Engineer, Patliputra Building Division, Patna, Bihar.
7. The Account General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Mishra
For the Respondent/s : Mr.Amit Prakash, GA-13

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

6 18-09-2019 The present writ petition has been filed for grant of

retiral dues pending with the Department for the period

10.04.1973 to 1988, during which period the petitioner had

worked on muster roll. It has further been prayed to grant

benefit of matric passed or equivalent qualification.

The learned counsel for the respondents has

submitted by referring to the counter affidavit filed on behalf of

the respondent State that for the period during which the



petitioner had worked on muster roll, apart from G.P.F. nothing is payable and the deductions made pertaining to provident fund during the period when the petitioner had worked as Work Charged Employee i.e. 1974-75 to 1987-88, has already been calculated and a sum of Rs. 6,206/- along with interest has been sanctioned and the payment would be made soon.

As regards the other prayer, the respondents have explained about the same in paragraph-8 of the counter affidavit, which reads as follows:-

“8. That the statement contained in paragraph 10 of the writ application it is sated and submitted that in view of resolution no. 335 dated 16.09.1992 of the Personnel and Administrative Reforms Department the competent authority, Commissioner had made roaster clearance for the appointment of Class-III till 1995 on the post of correspondence clerk and account clerk from the working Class-IV government servants vide letter no. 394 dated 12.09.1994.

After roaster clearance the departmental examination of Class-IV employee was conducted for the appointment of vacant post of Class-III and thereafter a merit list was prepared on 21.11.1994 in which till 04.04.1995 from the merit list of Account Clerk the employees at Sl. No. 1 to 15 were appointed and from the merit list of Correspondence Clerk 17 candidates were appointed in accordance with roaster. Remaining candidates were in waiting list. The petitioner was at Sl. No. 96 in the merit



list. In this regard, an information has been given to the then Chief Engineer (Building) South Bihar, Building Construction & Housing Department by the then Superintending Engineer, South Bihar Circle, Patna vide letter no. 4803 dated 30.12.1996.

In the meantime, the Personnel and Administrative Reforms Department came with resolution no. 11243 dated 06.12.1995 with regard to appointment of Class-III employee wherein it was resolved that for the appointment of Class-III post from Class-IV employee the competitive examination will be conducted by the Bihar Public Service Commission and on that basis the recommendation will be made for the appointment. As such the petitioner did not get the benefit of promotion from the post of Class-IV to Class-III. The petitioner has already retired on 31.07.2010.”

Having regard to the submissions made by the respondent-State, this Court finds that nothing survives for consideration in the present writ petition.

Accordingly, the same stands disposed off.

(Mohit Kumar Shah, J)

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