

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14175 of 2011

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NASIM AHMAD S/O Late Akhtar Imam R/O Vill. and P.O.- Chiksi, P.S.-
Sigori, Distt.- Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR through the Commissioner-cum- Secretary, Minor Irrigation Department, Bihar, Patna
2. The Chief Engineer South Tube Well Sector, Minor Irrigation Department, Bihar, Shekhpura, Patna
3. The Superintending Engineer, Tube Well Circle, Gaya
4. The Executive Engineer, Tube Well Division, Jahanabad
5. The Accountant General, Bihar, Birchand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Shankar Pathak
For the Respondent/s : Mr.Ashok Kr. Gupta, AC to GP 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 05-08-2019 Heard counsel for the petitioner and counsel for the
respondents-State.

Petitioner is aggrieved by letter dated 18.05.2009 issued by the Chief Engineer after retirement of the petitioner. He submits that said order amounts to reversion of the petitioner and placing reliance on the decision of the Apex Court in the case of M.A. Hameed vs State of A.P. and another reported in (2001) 9 Supreme Court Cases 261. It is submitted that reversion at such a belated stage could not have been done by the authorities.

Respondent-authorities issued order granting the



petitioner career progression treating him as electrician. No financial benefit was admittedly granted to the petitioner on the basis of such decision. In the circumstance, he approached this court by filing writ petition. Writ petition was disposed of allowing the petitioner to approach the authorities for being granted financial benefit on account of decision to grant him career progression.

The order of the earlier writ petition bearing CWJC no. 1363/2008 is dated 03.05.2010 (Annexure 11 of writ petition). As a result of exercise undertaken after order on petitioner's earlier writ petition, authorities have issued show cause to the petitioner and after considering his reply have placed him in due scale of helper.

Petitioner had taken benefit in terms of scale of electrician which was not due earlier. Excess payment made on account thereof was made the basis of denying him further benefit as he had already availed benefit excess to what he was entitled.

The instant case is not such a case wherein financial benefit was actually extended to the petitioner and later withdrawn. Decision of the authorities to grant benefit treating him as electrician has been reviewed by the authorities after a



show cause as per admission of the petitioner.

In the circumstance, reliance placed on the decision of M.A. Hameed (supra) cannot yield benefit to the petitioner. Otherwise petitioner is in a position to claim benefit of career progression treating him as electrician.

In the circumstance, there is no occasion to interfere with the order dated 18.05.2009.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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