

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10923 of 2005

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SEETARAM SINGH son of Indradeo Rai, r/o Village Dahaur, PS Dehri,
District Rohtas (Sasaram)

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Chief Engineer (Mechanical), Water Resources Department, Bihar
Patna
3. The Superintending Engineer (Mechanical) Irrigation Mechanical Anchal,
Mithapur, Patna
4. The Executive Engineer (Mechanical) Irrigation Mechanical Division,
Dehri, District Rohtas.

... .. Respondents

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Appearance :

For the Petitioner/s : Mrs.Maha SwetaChatterjee
For the Respondent/s : Mr. Deepak Sahay Jamuar, AC to Aag4

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 19-07-2019 Heard learned Counsel for the petitioner and the

learned Counsel for respondent State.

The writ petition has been filed for a direction to
respondent No. 2 Chief Engineer to grant the petitioner the post
of Supervisor Grade II from the date his juniors were granted
the same benefit.

Learned Counsel for the petitioner submits that claim
of the petitioner was duly recommended on 29.9.1993
(Annexure 14 to the rejoinder filed by the petitioner. She
submits that recommendation was made so as to take into
consideration the period during which the petitioner served in
the work charge establishment so as to find him eligible for



grant of scale of Supervisor Grade II. It is her submission that till date no decision has been taken on that recommendation.

The State has filed a counter affidavit. Entire factual background has been placed in the counter affidavit.

The petitioner, apparently pursuant to the recommendation (Annexure 14) was granted the scale of Supervisor Grade II on 28.10.1994. The same was found to be wrong by the authorities themselves and was withdrawn on 18.1.2002 by reverting the petitioner to his correct scale. The withdrawal of the said benefit was assailed by the petitioner in CWJC No. 2099 of 2002. This Court did not interfere with the correction of the petitioner's pay scale by placing it back in Supervisor Grade III. Recovery on account of excess paid to the petitioner pursuant to his wrong fixation in Supervisor Grade II on 28.10.1994 however was restrained.

The petitioner therefore cannot be permitted to rely upon any recommendation prior to the communication dated 28.10.1994. Reliance placed on Annexure 14 is therefore unsustainable for grant of Supervisor Grade II to the petitioner.

The writ petition is devoid of merit. The same is dismissed.

(Madhuresh Prasad, J)

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