

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14694 of 2019

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Md. Ali Hussain S/o Late Md. Azim, Resident of Mohalla- Bari Ibrahimpur,
P.S.- Sabour, District- Bhagalpur at present Superannuated 3rd grade
Government Employee of the Department of Water Resources, Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary-cum-Chairman, Grievance Redressal Committee,
Department of Water Resources, Government of Bihar, Sinchai Bhawan,
Patna.
3. The Principal Secretary, Department of Finance, Old Secretariat, Bihar,
Patna.
4. The Chief Engineer, Department of Water Resources, Bhagalpur.
5. The Commissioner, Munger Division, Munger.
6. The Secretary to Commissioner, Munger Division, Munger.
7. The Superintending Engineer, Design Circle, Department of Water
Resources, Bhagalpur.
8. The Executive Engineer, Design Division No.-1, Department of Water
Resources, Bhagalpur.
9. The District Accounts officer, Pay Fixation Section, Collectorate
Compound, Bhagalpur.
10. The Section Officer ,Grievance Redressal Cell, Department of Water
Resources, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kalika Nand Jha, Advocate
For the Respondent/s : Mr.Harish Kumar (GP-8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 24-07-2019 The petitioner has approached this Court for

quashing of the order dated 02.01.2007 passed by the

Chief Engineer, Water Resources Department, Bhagalpur

whereby the date of Time Bound Promotion which was

accorded to the petitioner about twenty years ago has



been shifted and excess money which was paid to the petitioner has been directed to be recovered.

It has been submitted on behalf of the petitioner that he joined the service in the Water Resources Department as Correspondence Clerk. He was granted first time bound promotion with effect from 15.11.1989. It was only in the year 2007 that the time bound promotion of the petitioner was directed to be made effective from 03.11.1991. Consequently, a direction was also issued for recovery of excess payment which was made to him for the period for which he was wrongly given the time bound promotion.

On objection raised by the petitioner, the matter was referred to various authorities and ultimately, the Principal Secretary, Water Resources Department, Government of Bihar, Patna, thought it expedient and prudent to constitute a Grievance Redressal Committee of six persons for redressal of such grievances of the government employees.



It has been submitted on behalf of the petitioner that similarly situated persons who came to the Court and obtained orders have been given the benefit and the money which has been recovered from them because of the shifting of the date of promotion has been returned to them.

Several such orders passed by this Court have been brought on record in this petition.

Despite the petitioner representing before all the authorities including the Chief Engineer, Water Resources Department, Bhagalpur, no order has been passed in favour of the petitioner. The complaint of the petitioner before the Public Grievance Redressal Cell also has yielded no substantial result till date.

In this factual background, this Court directs the petitioner to make a detailed representation before the Chief Engineer, Department of Water Resources, Bhagalpur (respondent No. 4) apprising him of various orders passed by this Court whereby many such



employees of the same department have been given the benefits and recovery against them have been stopped. In some of the cases, if the amount was found to have been recovered unauthorizedly, the same has been directed to be refunded.

The petitioner shall also bring to the notice of respondent No. 4 that on ground of parity, there should not be any delay in according the same privilege to the petitioner as well. Even otherwise, there is no justifiable reason for shifting the date of the first time bound promotion. There was no misrepresentation on behalf of the petitioner and the unilateral decision about shifting of the date of promotion needs be revisited specially in view of the litigation policy of the State of Bihar and the orders passed by this Court.

Should such a representation be filed within two weeks from today, respondent No. 4 shall verify the facts and pass a reasoned order in accordance with law positively within a further period of six weeks thereafter.



If the claim of the petitioner is found to be tenable,
necessary sequel order also shall be passed within the
aforesaid period.

With the aforesaid observation/direction, the
writ petition stands disposed of.

(Ashutosh Kumar, J)

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