

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25500 of 2019

=====

Raja Ram Singh Son of late Asharfi Singh, Resident of Village and P.O. Kothli Majhiama, P.S. Keoti, District- Darbhanga, Presently Posted as Jeep Driver, Public Health Mechanical Division, Darbhanga,.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Public Health and Engineering Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-Cum-Additional Secretary-Cum- Special Public Health and Engineering Department, Government of Bihar, Patna.
4. The Chief Engineer Mechanical Public Health and Engineering Department, Government of Bihar, Patna.
5. The Superintending Engineer, Public Health Mechanical Circle, Muzaffarpur.
6. The Executive Engineer, Public Health Mechanical Division, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mrs.Anita Kumari
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-12-2019 Heard learned counsel for the petitioner and the

State.

The petitioner has approached this Court for the

following reliefs:

(I) For issuance of an appropriate writ in the nature of Mandamus commanding and directing the respondent authorities for grant of benefits of Bihar State Employees Service Condition (Assured Career Progression Scheme) Rules, 2003 and the modified benefit of the scheme issued under Bihar



State Employees Service Condition (Modified Assured Career Progression Scheme) Rules, 2010 with effect from the due date from which the petitioner was entitled for the said benefit after treating him in continuous service with effect from the date of his absorption in work charge establishment of the department.

(II) For issuance of an appropriate writ in the nature of mandamus commanding and directing the respondent authorities for fixation of salary of the writ petitioner in terms with the resolution issued by the department vide memo no. 707 dated 22.05.2018 issued under the signature of the respondent no.2 in view of the judgment of this Hon'ble Court in several writ petitions filed by the similarly situated persons.

(III) Consequent upon the aforesaid adjudication, this Hon'ble Court may further be pleased to direct the respondents for payment of mandatory benefits to the petitioner flowing from the aforesaid adjudication, if this Hon'ble Court decides the issue in favour of the writ petitioner.

(IV) for issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under the facts and circumstances of the case.



Learned counsel for the petitioner submits that the issue raised in the present writ petition is no more res integra. A Full Bench of this Court has occasion to decide the issue involved in the present case in the case of Birendra Nath Tiwari Vs. The State of Bihar & Ors.: 2019(4) BLJ 652(PHC).

Considering the aforesaid submission, the writ petition is disposed of with direction to the respondents to examine the claim of the petitioner at the touch stone of the law laid down by the Full Bench of this Court passed in the case of Birendra Nath Tiwari (Supra). Necessary decision in this regard must be taken by the respondents within a period of sixty days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

U			
---	--	--	--

