

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7592 of 2020

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Chakleshwar Kharwar Son of Late Bala Kharwar, Resident of Plot No. B - 47,
Kusum Vihar, Phase-1, P.O.- B.C.C.L. Township, Koyla Nagar, Dhanbad
(Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Flood Control and Water Drainage, Water Resource Department, Government of Bihar, Sinchai Bhawan, Patna.
5. Engineer-in-Chief, Headquarter, Water Resource Department, Bihar, Sinchai Bhawan, Patna.
6. The Joint Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
7. The Joint Secretary (Management), Water Resources Department, Government of Bihar Sinchai Bhawan, Patna.
8. The Deputy Secretary, (Management), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
9. The Under Secretary (Management), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
10. The Principal Secretary, Finance Department, Government of Bihar, Old Secretariat, Patna.
11. The Secretary (Expenditure), Finance Department, Government of Bihar, Old Secretariat, Patna.
12. Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ratnesh Kumar Singh
For the Respondent/s : Mr.Anjani Kumar (AAg-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-09-2020 The present petition has been taken up for
consideration through the mode of Video Conferencing in view



of the prevailing situation on account of COVID-19 Pandemic.

Heard the learned counsel for the petitioner and Sri Anjani Kumar, learned AAG-4 for the State.

The present writ petition has been filed seeking the following reliefs :-

“(i) Quashing of Memo no. 490 dated 27.03.2017 (Annexure-14) issued under the signature of the Under Secretary, (Management), Water Resources Department, Government of Bihar, Patna wherein the Water Resources Department, Government of Bihar, Patna has deleted the due date of promotion mentioned in column 4 of the notification no. 2525 dated 17.06.2005 in order to debar the petitioner from getting financial benefit of retrospective promotion from the due date except person mentioned at sl. no. 30 of Schedule-II of the said notification after 12 years in violation to their undertaking given to the Hon’ble High Court in CWJC no. 2803 of 1999.

(ii) Grant consequential financial benefit of retrospective promotion with interest @ 12 % and cost as granted by the Hon’ble High Court in LPA no. 552 of 1992.

(iii) Grant consequential financial benefit of 1st MACP w.e.f. 01.01.2009 in the pay scale of Rs. 10000-15200 of Executive Engineer (as mentioned in Finance Department’s Memo no. 660/F/2 dated 08.02.1996) after completion of service of 10 years as Assistant Engineer on 01.01.2008.

(iv) Direct the respondents to rectify the pay scale of petitioner in the pay scale of Rs. 15600-21000/- PB-3 Grade Pay 5400 in light



of Schedule-II & III of Finance Department's Memo no. 630/F/2 dated 21.01.2010 as the petitioner was promoted as Assistant Engineer vide Memo no. 2525 dated 17.06.2005 w.e.f. 01.01.1998 and has completed 4 years of service as Assistant Engineer on 21.01.2010.

(v) Grant consequential financial benefit of 2nd MACP w.e.f. 01.01.2018 in the pay scale of Rs. 37400-67000, PB-4 Rs. 8700 of Superintending Engineer (as mentioned in Finance Department's Memo no. 630/F/2 dated 21.01.2010) after completion of service of 20 years as Assistant Engineer on 01.01.2018."

At the outset, the learned counsel for the petitioner submits that the petitioner would be filing appropriate representation before the respondent no. 3 i.e. the Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna, hence a direction be issued to the respondent no. 3 to dispose off the representation of the petitioner within the stipulated time frame.

The learned AAG-4 has got no objection to the aforesaid prayer made by the petitioner herein.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off with liberty to the petitioner to file appropriate representation before the respondent no. 3 within a period of six weeks from today which



shall be disposed off by the respondent no. 3 within a period of eight weeks thereafter by a reasoned and speaking order in accordance with law.

(Mohit Kumar Shah, J)

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