

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.889 of 2022

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Shri Niwas Pandey Son of Late Bhuneshwar Pandey, Resident of
Village/Mohalla-Awadhut Nagar, sasaram, P.S.-Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Development Department, Bihar, Patna.
2. The Chief Engineer, Rural Works Department, Bihar, Patna.
3. The Executive Engineer, Rural Works Department, Jahanabad.
4. The District Magistrate, Jahanabad.
5. The Sub Divisional Officer, Jahanabad.
6. The Block Development Officer, Kako, Jahanabad.
7. The Accountant General, Bihar.
8. The Treasury Officer, Rohtas at Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Jainendra Kumar Pushkar
For the Respondent/s	:	Mr. Harish Kumar, GP 8
	:	Mr. Chaitanya Suaroop

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 14-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“(i) For issuance of an appropriate writ,
order or direction directing and commanding the
respondents to sanction and give / grant the petitioner
the benefits of A.C.Ps. w.e.f. the due date.

(ii) For issuance of an appropriate writ
directing and commanding the respondents to give the
petitioner all consequential benefits including revision



of his retirement benefits after sanctioning and granting the petitioner the benefits of Time Bound Promotions as well as benefits of the A.C.P.s. w.e.f. the due date.

(iii) For any other relief/reliefs of which the petitioner is legally entitled to.”

3. In the absence of representation followed by demand before the competent authority, question of issuance of writ of mandamus under Article 226 of the Constitution is not warranted in the light of Apex Court decision in the case of *Mani Subrat Jain V. State of Haryana* reported in *(1977) 1 SCC 486*.

4. Accordingly, the present petition stands dismissed, reserving liberty to the petitioner to prefer a detailed representation in respect of time bound promotion and A.C.P. and other benefits, if any. If such representation is submitted before the competent authority, the competent authority is hereby directed to decide the petitioner’s representation within a reasonable period of time.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

