

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8397 of 2021

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Sunil Kumar Son of Sri Chakradhar Prasad Singh Resident of - Duplex No. 18, Vijaya Golden Town, Sonari, Jamshedpur, P.O. and P.S. - Sonali, District- East Singhbhum (Jharkhand) presently posted as Director Quality (Central), Building Construction Department, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Building Construction Department, Government of Bihar, Patna.
3. The Engineer-in-chief - cum - Additional Secretary cum Special Secretary, Building Construction Department, Government of Bihar, Patna.
4. The Deputy Secretary to the government, Building Construction Department, Government of Bihar, Patna.
5. Rakesh Kumar Son of not known to the petitioner, Secretary Technical to the Chief Engineer, Building Construction Department, Government of Bihar, Patna and in charge Chief Engineer, South Bihar Wing and Engineer-in-Chief Building Construction Department, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ritika Rani

For the Respondent/s : Mr. Sunil Kumar (GP-22)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 14-02-2022

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

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

a. For quashing notification no.

3667 (BH) Patna dated 22.06.2020

issued under the signature of Deputy



Secretary, Building Construction Department, Government of Bihar (R. No.4) as contained in Annexure-9 by which respondent no.5 has been transferred the post of Secretary, (Technical) to Engineer-in-Chief, Building Construction Department with direction respondent no.5 will be in Additional charge of Chief Engineer, South Bihar Wing and in charge of Engineer-in-chief Building Construction Department, Government of Bihar which is over the head of the petitioner.

b. Also for commanding to not fill up the vacancy of the Chief Engineer and Engineer-in-chief on the basis of the provisional seniority list dated 17.02.2020 as contained in Annexure-7 against which objection has been sought for deciding the final seniority list of superintendent



engineer which is pending uptill now.

c. Also for directing the respondents to make payment of salary from the month of Feb, 2019 to uptill now pursuant to representation dated 19.06.2020 as contain in Annexure-10 of the writ application.

d. Also necessary relief/ relief, order/ orders, direction/ directions for which the petitioners are entitled in the eye of law.

Insofar as the challenge to order dated 22.06.2020 and 17.02.2020 which are relating to transfer, the present petition is filed on 01.02.2021. Employee is required to question the validity of transfer order within a reasonable period of time like within three months. Whereas the present petition is filed after eleven months, therefore, question of entertaining the present petition, insofar as the challenge to the transfer order dated 22.06.2020 and 17.02.2020 is not proper and fair, since the aforesaid orders must have spent its force as on the date of filing, the remaining relief of payment of salary for certain period.



The concerned respondent is hereby directed to take note of petitioner’s representation dated 29.06.2020 and redress the same within a period of three months from the date of receipt of this order.

With the above observation, writ petition stands disposed of.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2022
Transmission Date	NA

