

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9711 of 2020

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Suresh Pandey Son of Late Ramji Pandey Resident of Village and P.O.-
Chaita, P.S.- Angarghat, District- Samastipur, Bihar- 848132.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary- cum- Principal Secretary Rural Works Department, Government of Bihar, Patna.
3. The Additional Chief Secretary-cum- Principal Secretary Building Construction Department, Government of Bihar, Patna.
4. The Engineer- in- Chief Rural Works Department, Government of Bihar, Patna.
5. The Chief Engineer-1 Rural Works Department, Government of Bihar, Patna.
6. The Chief Engineer Building Construction Department, Government of Bihar, Patna.
7. The Deputy Secretary Building Construction Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kaushik, Advocate
For the Respondent/s : Mr. Sanjeet Kumar Singh, AC to AAG-6

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

Date : 07-01-2022

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

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for
following reliefs:

“i) For issuance of an order,
direction or writ of mandamus for directing



the respondent Authorities to allow continuity of service to the petitioner from 16.05.1992 to 09.12.1992 during which period, the petitioner was kept waiting for posting while working as Junior Engineer despite the fact that the petitioner had submitted his joining at the office of Chief Engineer Rural Development Department on 16.05.1992 and later in the office of Chief Engineer-2, Rural Engineer Organization, North Bihar Head-Quarter on 29.06.1992 and was posted there until he was transferred to Muraul Block in the District of Muzaffarpur vide letter number 158 dated 10.12.1992.

ii. For issuance of an order, direction or a writ of mandamus commanding the respondent Authorities to make payment of salary for the period between 16.05.1992 to 09.12.1992 when the petitioner had submitted his joining at the office of Chief Engineer Rural Development Department on 16.05.1992 and later in the office of Chief Engineer-2, Rural Engineer Organization, North Bihar Head-Quarter on 29.06.1992 and was posted there until he was transferred to Muraul Block in the District of Muzaffarpur letter number 158 dated 10.12.1992.

iii. For issuance of an order, direction or any appropriate writ in the interest of justice, equity and good conscience.”

4. Petitioner is not entitled to the relief of any monetary benefits during the period from 16.05.1992 to 09.12.1992 on the ground of delay and laches in seeking relief.

5. In so far as counting service from 16.05.1992 to 09.12.1992 towards fixation of pay and future pension, the concerned respondent is hereby directed to redress the same by



passing speaking order as the relief of counting service has repercussion on the petitioner’s pension to be payable in future. Apex Court in the case of *M.R. Gupta V. Union of India & Others* reported in *AIR 1996 SC 669* held that if the third party right is not affected and in so far as pay fixation and pension are concerned, it is continuing cause of action. The same shall be taken note of while passing speaking order. The above exercise shall be completed within a period of four months from the date of receipt of this order.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

