

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2948 of 2021

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Arun Kumar Paswan, Son of Tulsi Paswan, Resident of Village- Chamehra,
P.S.- Ekangarsarai, District- Nalanda (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Additional Commissioner-cum-Special Secretary, Road Construction Department, Vishweshraiya Bhawan, Patna.
4. The Chief Engineer, National Highway, Public Works Department, Vishweshraiya Bhawan, Patna.
5. The Executive Engineer, National Highway Division, Patna.
6. The Executive Engineer, National Highway Division, Gulzarbagh, Patna.
7. The Executive Engineer, National Highway Division, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate
For the Respondent/s : Mr. Amit Prakash, GA-13

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

Date : 28-01-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Learned counsel for the State accepts notice for the
respondents.

3. Heard learned counsel for the parties.

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

“(A) In the nature of ‘mandamus’ directing and
commanding the respondent authorities to fix the



salary of the petitioner as per 7th pay commission and pay the entire due from 01-04-2016 to till date.

(B) In the nature of 'mandamus' directing and commanding the respondent authorities to pay the petitioner the arrears of salary for the period from 01-10-2000 to 31-12-2012 treating the period of absence shown in that period as leave availed when he was under work charge establishment.

(C) In the nature of 'mandamus' to pay the petitioner arrears of salary with the benefit of 1st, 2nd and 3rd ACP/MACP/ Time bound promotion (whichever is applicable in the case of the petitioner) taking into account his entire period of service as petitioner has been placed in regular service.

(D) For any other relief/reliefs for which the petitioner may be found entitled to."

5. In support of the aforesaid relief, the petitioner submitted representations on 03.07.2019 (Annexure-8 Series) and the same is pending consideration before the concerned respondents.

6. Accordingly, the concerned respondent is hereby directed to peruse the service record of the petitioner read with the Scheme/Rules of 7th Pay Commission as to whether the benefit can be extended to the petitioner or not. If the petitioner is otherwise eligible in respect of extending the benefit of 7th Pay Commission, the same shall be extended while calculating the arrears of salary from 01.04.2016.



7. The aforesaid material shall be examined by the concerned respondent and proceed to pass speaking order.

8. If the petitioner is not otherwise eligible, in that event detailed speaking order shall be passed within a period of three months from the date of receipt of a copy of this order and communicate the same to the petitioner.

9. The writ petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2022
Transmission Date	NA

