

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22074 of 2014

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Ranjit Singh son of Late Jateshwar Prasad Singh Resident of village -
Mohanpur, P.S. Dharhara, District - Munger at Present Priadarsini Nagar
Hawai Adda, Tilkamanjhi, P.S. Tilkamanjhi, District – Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Principal Secretary, Water Resources Department, Government of Bihar,
Patna
3. Under Secretary, Water Resources Department, Government of Bihar, Patna
4. Chief Engineer, Minor Irrigation Water Resources Department, Government
of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Naresh Chandra Verma, Adv. Mr. Natraj Verma, Adv.
For the Respondent/s	:	Mr. Pankaj Kumar, SC-12 Mr. Sudama Kumar, AC to SC-12

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA
ORAL ORDER

3 24-01-2023

1. Heard the parties.

2. The petitioner has attained superannuation on 30.09.2002. The respondents have thereafter conducted an exercise for preparing a gradation list for granting promotion to the employees of the department, who have been working for years together on the post of Junior Engineer.

3. The claim of the petitioner is that vide order dated 10.08.1981, the petitioner was granted seniority on the post of



Junior Engineer with effect from initial date of appointment i.e. 30.03.1963. However, in spite of said order having been passed in his favour, in the gradation list issued by the department his date of appointment as Junior Engineer was stated as 01.04.1975. Accordingly, he was placed at no.2916 in the gradation list.

4. Learned counsel for the petitioner submits that being aggrieved he had preferred earlier a writ petition before this Court, wherein a counter affidavit was filed by the respondents stating therein that they are going to examine the case of the petitioner afresh and pass orders and in view thereof, the writ application was withdrawn. This Court granted permission with clear stipulation that he would not be at liberty to move this Court again against the same cause of action.

5. Learned counsel submits that the respondents however prepared a fresh gradation list and again changed his gradation number and gradation list. The correct gradation list was therefore challenged before this Court in the present case and which has arisen a new cause of action in this regard. Learned counsel submits that no reasons have put forth by the respondents for not granting seniority in terms of the order passed by the respondents dated 10.08.1981.



6. Per contra, learned counsel appearing for the department submits that the petitioner has been shown to be promoted as Junior Engineer with effect from 01.04.1975 in the gradation list. As per the said gradation list corrected on 15.05.2014 and subsequently corrected vide order dated 24.12.2014, the name of the petitioner finds place at serial no. 2916, and therefore, he is not within the zone for promotion up to the date he retired. In view thereto, the claim of the petitioner is not made out.

7. I have considered the submissions. The respondents have although made corrections from time to time relating to the placement of the petitioner in the gradation list but no reason is coming forward to show as to why his appointment from 13.03.1963 has not been considered. Seniority from the date of his initial appointment was required to be given to him. Therefore, directs the respondents to revise the gradation of the petitioner keeping his appointment from 13.03.1963 as per their orders passed on 10.08.1981, and accordingly, grant him benefit of promotion. If any person who was appointed after 13.03.1963 and has been promoted prior to 30.09.2002. The petitioner would also be entitled for consequential benefit and revision his retiral benefits and the exercise shall be conducted within a



period of three months.

7. The writ petition is accordingly allowed.

(Sanjeev Prakash Sharma, J)

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