

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22495 of 2011

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RAJENDRA PRASAD SINGH, S/O Late Suryavansh Singh, R/O Village,
Post Devaria Via Pratap Pur, P.S. Avtar Nagar, Distt. Chhapra.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. The Secretary, Road Construction Department, Government Of Bihar, Patna.
3. The Superintending Engineer, Road Construction Department, Road Circle, Dharbhanga.
4. The Executive Engineer, Road Construction Department, Darbhanga.
5. The Accountant General, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Patanjali Rishi, Advocate
For the Respondent/s : Mr. Vikash Jha, AC to GA9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 23-02-2023 Heard learned counsel for the petitioner and learned
counsel for the State

2. The writ application has been filed for the following
relief/s:-

*“For setting aside the order as contained in
Memo no. 1515 dated 29/10/2011 passed by the Respondent
no. 3 thereby cancelling the time bound promotion granted
to the petitioner with effect from 02/04/1996 on account of
abolition of the time bound promotion scheme from
08.02.1999 and also for a writ of mandamus or a writ in the
nature of mandamus directing the respondents to grant all
the due promotions to the petitioner including the
admissible time bound promotions and the ACPs to which
the petitioner is entitled for in accordance with law.”*

3. Mr. Patanjali Rishi, learned counsel appearing for the



petitioner, submits that he has been served copy of counter affidavit, from which it appears that benefits other than 3rd A.C.P. have been made available to the petitioner. The copy of the counter affidavit was served on him on 24.02.2014.

4. The same, however, is not on record in the instant proceedings.

5. Learned counsel for the petitioner is not in a position to inform this Court whether benefit of the 3rd A.C.P., or other benefits prayed for in the writ petition has been paid to the petitioner, or not. He submits that he has no instructions from his client.

6. The above circumstances have to be viewed keeping in background the filing of the writ petition way back in the year 2011. Thus, no case is made out for keeping the instant writ proceedings pending.

7. If any grievance of the petitioner be remaining, at best the Court can give a liberty, that the petitioner may agitate the same in appropriate proceedings, in accordance with law.

8. The writ petition is accordingly disposed of.

(Madhuresh Prasad, J)

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