

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.427 of 2023

=====

Sidh Nath Rai S/o- Late Devi Dayal Ray, Resident of- Hardia, P.O.- Garhuan,
P.S.- Tarari, District- Bhojpur, (Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Irrigation Department Govt. of Bihar, Patna.
2. The Engineer-In- Chief Irrigation Department Govt. of Bihar, Patna.
3. The Chief Engineer, Irrigation Department, Nalkup Division Muzaffarpur, Bihar.
4. The Executive Engineer, Nalkup Division Muzaffarpur, Bihar.
5. The Accountant General Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar, Advocate
For the State	:	Mr. Binay Kumar Pandey, AC to GA-2
For the Accountant General:		Mr. Arun Kumar Arun, Advocate
		Mr. Siyaram Pandey, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-03-2023 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that earlier the claim of the petitioner for financial progression under the ACP Rules, 2003 was rejected vide letter no.3204 dated 09.07.2015 (Annexure- '9') on the ground that he did not possess the benchmark requirement of his confidential report entry as "very good". Learned counsel submits that vide letter no.1605 dated 24th May, 2011 (Annexure- '2') the General Administration Department had directed all the Principal Secretary/Secretary of the departments to consider the earlier



existing methods to grant promotion in all such cases where the persons junior to the particular person whose case is under consideration has been granted promotion. Learned counsel submits that following the said letter (Annexure- '2') and thereafter the order of this Court as contained in Annexure- '5' to the writ application in CWJC No.18500 of 2017 a large number of persons who are junior to the petitioner have been granted financial progression. Specific statements have been made in this regard in paragraph '13' of the writ application.

The petitioner is said to have made a representation in this regard as contained in Annexure- '8' to the writ application to the Principal Secretary, Water Resources Department, Government of Bihar which is still pending consideration.

Learned counsel for the State submits that in such circumstance an appropriate direction may be issued to the Principal Secretary (respondent no.1) to consider the case of the petitioner in the light of the representation made by him, the letter (Annexure- '2') and the order of this Court (Annexure- '5').

In the given facts of the case, this Court deems it just and proper to set aside the impugned order as contained in Annexure-9 to the writ application and direct the respondent



no.1 to consider the case of the petitioner keeping in view the communication of the General Administration Department (Annexure- '2') and the claim of the petitioner that he is similarly situated with his junior who has already been granted financial progression. Let such decision be taken on the representation of the petitioner within a period of three months from the date of receipt/communication of a copy of this order.

It goes without saying that in case the petitioner is found similarly situated with his junior who has been granted financial progression, the consequential order shall follow and the petitioner would be entitled for all the monetary benefits which will be paid within a further period of three months from date of decision of respondent no.1.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

