

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16244 of 2006

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Ram Pravesh Sharma, Son of Late Ram Devan Singh, Resident at Mohalla-Sachivalay Colony, Plot No. B-33, P.S. Patrakar Nagar, Kankarbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Commissioner-cum-Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna.
3. Secretary, Health Department, Bihar, Patna.
4. Secretary, Human Resources Development Department, Government of Bihar, Patna.
5. Secretary Road Construction Department (P.W.D.), Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Advocate
For the Respondent/s : Mr. Shankar Kumar, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

16 22-07-2024 Heard Mr. Shashi Nath Jha, learned counsel

 appearing on behalf of the petitioner and Mr. Shankar Kumar,

 learned AC to AAG-7 for the State.

2. The petitioner in paragraph no. 1 of the present writ

petition has sought *inter alia* following relief(s), which is

reproduced hereinafter:

"That the petitioner has come up to this Hon'ble Court for a direction to the respondent authorities to fix the Inter se Seniority of the petitioner as per Resolution No. 257, dated 30.03.1981 for maintaining the joint cadre of the Assistant in the Secretariat and attached offices published vide letter no. 353, dated 26.3.2001 by the personnel and Administrative Reforms Department to allow the rightful claim of the petitioner for antedated promotional and other consequential benefits."

3. Petitioner has claimed parity with one Sri Kailash



Jha, who had superannuated on 31.01.2002 while the petitioner had superannuated on 31.03.1999. A comparative chart in respect of service particulars of the petitioner, namely, Ram Pravesh Sharma and Sri Kailash Jha has been brought by filing supplementary counter affidavit on behalf of the respondents no. 1 and 2. The service book of the petitioner has also been annexed as 'Annexure-B' to the said supplementary counter affidavit. From perusal of the service book of the petitioner, it appears that the date of birth of the petitioner has been entered as 26.03.1941 and from the perusal of the pension Form No. IV of Sri Kailash Jha, it appears that his date of birth in the said form has been entered in column no. 18 to be 03.01.1944. The date of appointment of the petitioner is 22.11.1967 while that of Sri Kailash Jha is 14.01.1966. The date of probation of the petitioner is 18.06.1971 while that of Sri Kailash Jha is 14.01.1969. The petitioner was found junior to the said Kailash Jha. Records also reveal that date of confirmation of said Sri Kailash Jha was 14.01.1971 while that of the petitioner was 18.06.1973. The other service particulars and benefit granted from time to time also reflects the fact that the petitioner is junior to the said Sri Kailash Jha, who was given promotion on the post of Section Officer vide Notification No. 965 dated



10.10.1996 with effect from 18.10.1993 while the petitioner was promoted on the post of Section Officer vide Notification No. 88 dated 30.01.1996 with immediate effect. It is admitted fact that the petitioner has claimed in the present writ petition to fix Inter se seniority of the petitioner as per Resolution No. 257 dated 30.03.1981. In paragraph no. 13 of the supplementary counter affidavit, it has been stated that the latest attested service book of Sri Kailash Jha was not made available till the date of filing of the supplementary counter affidavit. At the same time, from the perusal of the supplementary counter affidavit, I find that the Notification No. 965 dated 10.10.1996 in respect of Kailash Jha, to be effective from 18.10.1993 nor the Notification No. 88 dated 30.01.1996, which refers the implementation of the said notification with immediate effect has not been brought on record.

4. Learned counsel appearing on behalf of the petitioner, at this stage, has pointed out that there is incorrect information in respect of the date of appointment of the petitioner has been mentioned in the service book to be 03.01.1966. Learned counsel submitted that the 'Annexure-3' gives the details of the allotment of candidates selected for appointment on Lower Division Assistant on the basis of written



and Viva-voce test made in respect of different wings of the Public Works Department. The petitioner was sent to Ganga Bridge Wing and, thereafter, with effect from 21.11.1967, the petitioner was relieved to join the Health Department.

5. In light of the aforesaid information, I find that the case of the petitioner is required to be considered on the basis of correct information, which has been entered into the service book of the petitioner brought on record on behalf of the respondents no. 1 and 2, as well as, the same is required to be compared and verified with 'Annexure-3', the letter of posting of the petitioner in Ganga Bridge Wing with effect from 07.02.1966.

6. I find it proper that the petitioner may file a detailed representation before the Respondent No. 2 (the Commissioner-cum-Secretary, Personnel and Administrative Reforms Department, Government of Bihar, Patna), who is required to go through the information as contained in supplementary counter affidavit filed on his behalf and the information contained in the writ petition given by the petitioner and consider to dispose of the grievance of the petitioner well within a period of six weeks from the date of communication of this order taking into consideration that the writ petition is pending since the year



2006.

7. If the claim of the petitioner is allowed, all the admissible dues payable to the petitioner is required to be paid to him in further period of six weeks.

8. With above observation/direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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