

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16470 of 2012

=====

Ram Sevak Paswan, S/O Late Munna Paswan, Resident Of Village
Raghunathpur, Ward No. 3, P.O. Motihari, P.S. Turkolia, District East
Champaran.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Sinchai Bhawan,
New Secretariat, Patna.
3. The Chief Engineer, Water Resources Department, P.O. and P.S. Volni
Kinagar, West Champaran.
4. The Superintending Engineer, Water Resources Department, Tirhut Canal
Circle, Motihari, East Champa
5. The Executive Engineer, Sikrahana, Embankment Division, District East
Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate
For the Respondent/s : Mr. Faize Karim, AC to SC 1

=====

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 14-05-2024 Heard Mr. Binod Kumar Sinha, learned counsel

 appearing on behalf of the petitioner and Mr. Faize Karim,

 learned AC to SC 1 for the State.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

*“That this writ application is being
filed for quashing an office order issued under
letter no.1269 dated 16.12.2011 (Annexure-3) by
the Executive Engineer (Respondent No.5) by
which the pay of the petitioner has been fixed by
cancelling the First Time Bound Promotion given
to the petitioner with effect from 04.12.1986 as
the petitioner had not passed the Department
Accounts Examination and to one time recovery of
the excess payment made to the petitioner on*

account of salary fixed on the basis of First Time Bound Promotion. And for a direction to the respondent authorities not to resort to pay fixation by revising his salary on the ground of cancellation of First Time Bound Promotion, thus making any recovery from the petitioner for not passing the Department Account Examination, and/or for passing any other writ/writs/order/orders direction/directions.”

3. Learned counsel appearing on behalf of the petitioner informs that case of the petitioner is covered by the latest judgment of the Apex Court in the case of **Amresh Kumar Singh & Ors. Vs. The State of Bihar & Ors.**, reported in **(2023) SCC OnLine SC 496** and that the time bound promotion is nothing than the financial up-gradation. Learned counsel further submits that due to non-considering the said fact, an order of recovery has been passed against the petitioner, which is also against the law laid down by the Apex Court in the case of State of **Punjab & Ors. Vrs. Rafiq Masih (White Washer) & Ors.** reported in **(2015) 4 SCC 334**. Learned counsel submits that the petitioner seeks to file a detailed representation for redressal of his grievance before the authority concerned.

4. Considering the fact that petitioner seeks to file a detailed representation, giving service particulars, to be considered in light of the law laid down by the Apex Court in the cases of **Amresh Kumar Singh (Supra)** and **Rafiq Masih**

(Supra), the competent authority is directed to dispose of the representation of the petitioner well within a period of six weeks from the date of its filing in accordance with law.

5. The writ petition stands disposed of.

(Purnendu Singh, J)

ashishsingh/-

U			
---	--	--	--