

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6822 of 2018

Harinandan Yadav son of Late Gorakh Yadav, Resident of Village- Bhelohi,
Ward No. 10, Police Station- Supaul, District- Supaul, Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Deputy Secretary, Water Resources Department, Government of Bihar, Patna.
4. The Chief Engineer, Flood Control and Water Management, Water Resources Department, Birpur.
5. The Superintending Engineer, Eastern Embankment Circle, Saharsa, District- Saharsa.
6. The Executive Engineer, Eastern Embankment Division, Supaul, District- Supaul.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Satish Chandra Jha-3, Adv.
	:	Mr. Shamboo Kumar Suman, Adv.
For the Respondent/s	:	Mr.Vinay Kriti Singh- GA2
	:	Mr. Venkatesh Kirti, AC to GA2

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed for quashing the order contained Memo No.313 dated 02.02.2017 passed by the Chief Engineer, Flood Control and Water Management by which the claim of the petitioner to grant him scale of Driver Grade-II, w.e.f. 08.11.1996 in the light of the Bihar Driver (Recruitment and Service Condition) Rule, 2005



which has been notified vide Notification No.1468 dated 25.04.2007, has been rejected in a most mechanical manner.

3. Counsel for the petitioner submits that the petitioner had joined as Driver on 19.10.1971 and retired on 31.10.2008. He submits that all along the petitioner had served the department as Driver with the full satisfaction of the authority.

4. Counsel further submits that in the light of the implementation of the new rule, the situation has completely changed. The case of the petitioner has been considered and benefit of ACP has been granted to him w.e.f. 1999 and not from 1996 for which the petitioner is entitled. He submits that after passing the order by respondent No.4, the petitioner has filed representation before the Principal Secretary which is Annexure- 10 series, but there is no response and is still pending.

5. Counsel for the State submits that the petitioner has correctly represented before the Principal Secretary as he is the competent authority to decide this issue.

6. In this present facts and circumstances, this writ petition stands disposed off directing the petitioner to file a fresh representation before the Principal Secretary (respondent No.2)



raising his grievances within 4 weeks from today and the Principal Secretary (respondent No.2) is directed to pass a reasoned and speaking order with regard to the claim made by the petitioner, considering all the points which he has raised in the writ petition.

7. With the aforesaid direction, the present writ application is hereby disposed off.

(Dr. Anshuman, J.)

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