

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11660 of 2024

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Suresh Prasad Son of Dev Kumar Prasad, (Industry Extension Officer, Rtd.),
Resident of Village- Mirachak, P.O.- Ara, P.S.- Town Ara, District- Bhojpur
(Ara).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Additional Chief Secretary, Department of Industries, Govt. of Bihar, Patna.
3. The Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
4. The Director Industries, Government of Bihar, Patna.
5. The Deputy Secretary (Establishment), Bihar, Patna.
6. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Dr. Anand Kumar, Advocate
For the Respondent/s	:	Mr. Standing Counsel (8)
		Mr. Prabhat Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-08-2024 Heard Dr. Anand Kumar, learned counsel appearing

on behalf of the petitioner and Mr. Prabhat Ranjan, learned

counsel and learned Standing Counsel-8 for the respondent/s.

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

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

reproduced hereinafter:

*"(i) To issues an appropriate writ / order / direction,
in the nature of mandamus commanding the Respondents to grant
promotion on the post of Project Manager or its equivalent post
and further for payment of post retiral consequential benefits to
the petitioner in the light of gradation list notified by the
Department of Industries, Govt. of Bihar; vide letter No. 126
dated 12.01.2016.*

(ii) To issues an appropriate writ / order / direction,



to revise the pension of the Petitioners and other consequential benefits, after granting promotion to the post of Project Manager.

(iii) To issues an appropriate writ / order / direction, to make payment of arrear of salary w.e.f. 18.12.2018, on the date when the Petitioners became entitle for getting promotion from the post of Industry Extension Officer to Project Manager in the Department of Industries, Govt. of Bihar, Patna, because juniors to the petitioner as per gradation list has already been granted promotion vide Department Notification No. 5805 dated 18.12.2018.

(iv) For issuance of direction to the respondent authorities to grant the benefit of 3rd MACP, which is due to the petitioner w.e.f. 25.09.2022, i.e., after completion of more than 30 years of service.

(v) And/or be pleased to pass such other order or orders which may be deemed fit and proper in the facts and circumstances of the case."

3. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been continuously representing before the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna, soon after he became entitled for promotion on the post of Project Manager or its equivalent post considering his position in gradation list published vide Letter No. 126 dated 12.01.2016. Petitioner claims that persons junior to him in the gradation list, have already been promoted. The petitioner was exonerated in the departmental proceeding initiated against him long back and after that he has become entitled for being considered for promotion on the post of Project Manager or its equivalent post. The petitioner, in alternative, is also entitled for financial upgradation and 3rd M.A.C.P., after completion of 30 years of services.



4. Considering the aforesaid submission made on behalf of the petitioner, the petitioner, if so advised, may file a fresh comprehensive representation before the Additional Chief Secretary, Department of Industries, Government of Bihar, Patna, who will call for the service particulars of the petitioner and consider the case of the petitioner and dispose of the representation filed on behalf of the petitioner expeditiously in accordance with law otherwise, the petitioner may approach this Court for taking appropriate action against the respondent no. 2 for keeping his case pending for nearly two years.

5. In case, the petitioner is found entitled for promotion, the same is required to be given to him from the date he becomes eligible and benefit of MACP as petitioner has stagnated on the said post for past 31 years, considering the fact that petitioner has already been exonerated in the departmental proceeding, which was initiated against him long back.

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

(Purnendu Singh, J)

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