

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11790 of 2024

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Dharmnath Baitha S/o Sukhlal Baitha, R/o Village- Majlispur, P.S.- Garkha,
District- Saran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna.
2. The Principal Secretary, Department of Revenue and Land Reforms, Bihar.
3. The Additional Chief Secretary, Department of Revenue and Land Reforms,
Bihar, Patna.
4. The Principal Secretary, General Administration Department, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate

For the Respondent/s : Standing Counsel (18)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 08-08-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner submits that the petitioner was working in the Government of Bihar. He was granted promotion by the Committee with effect from 23.11.2023. His name has figured at serial No. 2 which he has Annexed as Annexure- P/1. He submits that the final approval of the decision took place on 03.12.2023 and it was notified on 12.12.2023. But in the meantime, the petitioner retired with



effect from 30.11.2023. According to the petitioner, he is entitled for all the benefits relating to the said promotion as his promotion took place prior to his retirement. In this regard, counsel for the petitioner has filed representation before the Additional Chief Secretary, Department of Revenue and Land Reforms, Government of Bihar, Patna, vide Annexure P/4, but till date no decision has been taken on the representation of the petitioner.

3. Learned counsel for the State submits that some time may be granted to file counter affidavit.

4. In the light of the pleadings made by both the parties, it transpires to this Court that granting time for filing counter affidavit shall be unnecessary, particularly, when the petitioner has already been promoted prior to his retirement then he shall be entitled for the financial benefits only. In this regard, he has filed representation. Hence, respondent No. 3 is hereby directed to take a decision, in the light of his representation which is attached here as Annexure P/4 within 90 days from the date of production of a copy of this order.

5. This Court directs to grant all the benefits to the petitioner and if due to any reason, the respondent found that the petitioner is not entitled for the same, then in that case, he shall



pass a reasoned and speaking order within the said period.

6. With this direction the writ petition disposed off.

(Dr. Anshuman, J.)

Ashwini/Aman/-

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