

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18555 of 2022

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Arun Prakash Son of Late Kuldeep Ram Resident of Village- Dighita, Police
Station- Kochas, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Under Secretary to the Government (Management), Water Resources Department, Government of Bihar, Patna.
4. The Engineer-in-Chief, Water Resources Department, Government of Bihar, Patna.
5. The Chief Engineer (Mechanical), Water Resources Department, Patna.
6. The Chief Engineer, W.R.D., Siwan.
7. The Executive Engineer (Mechanical), Irrigation Mechanical Division, Gandak Project, Balmiki Nagar, West Champaran.
8. The Executive Engineer, Irrigation, Mechanical Division, Muzaffarpur.
9. The Project Co-ordinator, Tube-well Wing, Minor Irrigation Department, Patna.
10. The Executive Engineer, Tube-well Division, Bihta.
11. The Executive Engineer, Tube-well Division, Buxar.
12. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Chandra Jha 3, Advocate Mr. Shamboo Kumar Suman, Advocate
For the State	:	Mr. Venkatesh Kirti, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 09-07-2024 The petitioner has invoked the extra ordinary constitutional writ jurisdiction under Article 226 of the Constitution for the following reliefs:-

“(i) To direct the respondents, to fix the salary of the petitioner in proper revised scale and provide him consequential benefits because the petitioner joined on the



post of Junior Engineer (Mechanical) on 26.01.1979 and retired as such on 20.01.2011, however during the entire service period, he was neither paid proper revised scale nor he was allowed any promotional benefits, result being that, he was forced to retire in the initial unrevised scale, accordingly he is getting very meager amount of pension.

(ii) To direct the respondents to revise entire pensionary benefits of the petitioner, after fixing his salary in proper, correct revised pay-scale, as has been allowed to other similarly situated employees even junior to the petitioner and make payment all due amount and consequential monetary benefits, alongwith suitable interest thereon and litigation cost due to his harassment and mental agony, because there was/is no latches on the part of the petitioner, rather he has been harassed during the entire service period, by the concerned respondents.

(iii) To direct the respondents, to provide the petitioner other legal admissible monetary benefits, which has been allowed to other similarly situated employees, even junior to the petitioner, because he joined as Junior Engineer and retired as Junior Engineer.

(iv) That the Hon'ble Court may be pleased to grant any other relief or reliefs to the petitioner, as this Hon'ble Court may think it proper in the present facts and circumstances of this case.”



2. A counter-affidavit has been filed on behalf of the respondents no. 01 to 05 and 08. In paragraph no. 26 of the said counter-affidavit, it is submitted on behalf of the respondents that the claim of the petitioner regarding revision of pay and emoluments is to be examined by the concerned authority and such examination is in process. Further, in paragraphs no. 27 and 28, the said fact has been reiterated with further clarification. It is also stated that so far as the question of sanction of regular promotion or ACP/MACP is concerned, the period of breakage of service is required to be verified afresh and the department is required to take further action.

3. A rejoinder has been filed on behalf of the petitioner wherein, it is reiterated that the petitioner has completed 31 years 11 months and 14 days qualified service and no ACP or MACP has been granted during his service period. It has also been found from the record that the petitioner went on submitting several representations in the form of annexures, namely as Annexure 08, Annexure 10 and Annexure 12 before the Principal Secretary, Water Resource Department, Government of Bihar, Patna.

4. It is needless to say that if scale of pay is not revised within due time, an employee is entitled to get



ACP/MACP, but such relief was also not granted to the petitioner. Under such circumstances, respondent no. 02, the Principal Secretary, Water Resource Department, Government of Bihar, Patna, is directed to dispose of the representations in accordance with law within 90 days from the date of communication of this order.

5. Further, while disposing of the representations, as mentioned above, if the respondent no. 02 finds that personal hearing of the petitioner is required, he is at liberty to hear the petitioner. After consideration of representation, respondent no. 02 is directed to pass a reasoned order.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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