

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5142 of 2016

Kapil Dev Das Son of late Kaleshwar Das Resident of Village-Moushani, PS
Kajra, District lakhisarai at Present Junior Engineer, Building Construction
Department, Araria

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Secretary, Department of Building Construction Government of Bihar,
Patna.
3. The Engineer-in-Chief cum Additional Commissioner Cum Special
Secretary, Department of Building Con
4. The Chief Engineer North Bihar Section Department of Building
Construction, Bihar Patna.
5. The Joint Secretary, Department of Building Construction Govt. of Bihar,
Patna
6. The Deputy Secretary, Department of Building Construction, Govt. of Bihar
Patna.
7. Dinesh Kumar son of late Ram Khelavan mahton Resident of Mohalla- Kila
ghat, Lal bagh, PS and District Darbhanga.
8. Indra Dev Ram son of not known Assistant Engineer-in-Chief, Department
of Building construction Patna.
9. Ram Prakash Ram son of not known Assistant Engineer-in-Chief,
Department of Building construction Patna.
10. Suresh Kumar Son of not known Assistant Engineer-in-Chief, Department of
Building construction Patna.
11. The Executive Engineer, Building Construction Department, Araria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha
For the Respondent/s : Mr. M.K. Pathak- Sc7

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 18-03-2025 Heard Learned Counsel for the petitioner and
Learned Counsel for the State.

2. Counsel for the petitioner submits that the
Executive Engineer, Building Construction Department, Araria



is the necessary respondent in this case, but due to inadvertence, he could not add him as party respondent in the respondent column.

3. Counsel for the State has no objection for the same.

4. As such, counsel for the petitioner is directed to add the Executive Engineer, Building Construction Department as party respondent in course of the day.

5. Learned Counsel for the petitioner submits that the present writ petition has been filed with the following reliefs:-

(i) To grant promotion which is dues from 1991 to the post of Assistant Engineer (civil) to the petitioner in the scale of Rs.6500- 10,500.

(ii) To further grant promotion to the post of Executive Engineer which becomes dues from 1998 to the petitioner in the Scale of Rs.10,000-15,200.

(iii) To further grant promotion to the post of Superintending Engineer (Civil) which also becomes dues from the date of 2004 as (Civil) Engineer) to the Petitioner in Scale of Rs. 14,300 18,300.

6. Counsel for the petitioner submits that the State respondent has filed the counter-affidavit in which paragraph 8 and 10 are very much relevant for him and submits that the respondent accepts that the departmental promotion committee



has already been considered the name of the petitioner on 08.10.2010 and other Junior Engineer for promotion on the post of Assistant Engineer, but the petitioner's claim was not considered on the ground of the non-availability of C.R. He further submits that respondent authority has further pleaded in paragraph 10 of the counter-affidavit that petitioner's grievances shall be considered on the next departmental promotion committee meeting and if the petitioner shall be qualified in all terms and conditions of promotion, then he will be promoted on the higher post and pay scale with consequently benefits in accordance with law.

7. Counsel further submits that by virtue of the pleading, he is satisfied, and therefore, he submits before this Hon'ble Court that the specific direction may be given to the Executive Engineer, Building Construction Department, Araria to send his matter before the departmental promotion committee with all relevant documents within a specified period of time.

8. In this view of the matter, this Court hereby disposed off the present writ petition, directing the respondent No.11, Executive Engineer, Building Construction Department, Araria as well as to the Engineer in Chief cum- Additional Commissioner -cum- Special Secretary, Department of Building



Construction, Government of Bihar, Patna to place the case of the petitioner before the departmental promotion committee within 60 days from the date of production of this order and the departmental promotion committee is hereby directed to consider the case of the petitioner for promotion within 90 days thereafter. He is directed to decide the matter in accordance with law at the earliest.

9. With the aforesaid observations and directions, the writ petition stands disposed off.

(Dr. Anshuman, J.)

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