

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13594 of 2012

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Kedar Prasad Singh S/O Late Parmanand Singh R/O Village - Murliganj,
Ward No.7, P.S. Murliganj, District - Madhepura

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Water Resources Department, Govt. Of Bihar, Patna
3. The Addl. Secretary, Water Resources Department, Govt. Of Bihar, Patna
4. The Chief Engineer, Water Resources Department, Birpur, District - Supaul
5. The Superintending Engineer Cannal Circle Saharsa
6. The Executive Engineer Irrigation Department Triveniganj, Supaul
7. Sub Divisional Officer Irrigation Sub Division, Muraliganj, District - Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Raj Shekhar
For the Respondent/s	:	Mr. Ajit Kumar, GA9
		Mr. Arvind Kumar, AC to GA9

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

5 03-03-2025 Heard Learned Counsel for the petitioner and

Learned Counsel for the State.

2. Learned Counsel for the petitioner submits that the

present writ petition has been filed with the following reliefs:-

This is an application for issuance of an appropriate writ /order/ direction to the respondents for quashing of order dated 15.6.12 passed by the Principle Secretary Water Resources Department Govt. of Bihar, Patna as well as issuance of directions to the respondents to grant 1st time Bond Promotion with effect from 1.4.1981 in place of 14.5.1984 and second time Bond Promotion with effect from 3.8.93 and consequential benefits on the basis of the same and



also grant economic benefit of 1st and second A.C.P. from 2006 onwards and any other writ order direction for which petitioner may found entitle by this Hon'ble Court.

3. Counsel further submits that the petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No.6984 of 2011 in which vide order dated 22.04.2011, a direction was made to the petitioner to file a fresh representation and the Principal Secretary, Water Resources Department, Government of Bihar has been directed to pass a reasoned and speaking order considering all the grounds, which has been taken by the petitioner in the writ petition.

4. Counsel further submits that the petitioner has filed representation and the Principal Secretary has passed order which is contained in Memo No.765 dated 15.06.2012. He further submits that the finding of the Principal Secretary is not in consonance of the letter (Annexure-2) which has been issued and contained in letter No.999 dated 06.10.2001. He further submits that the Principal Secretary to the Commissioner, Kosi Division, Saharsa has treated that there is entitlement of the petitioner for the first time want promotion w.e.f. 01.04.1981 second promotion from 03.08.1993. He further submits that the decision has been taken by the Principal Secretary against the decision taken from the Office of Commissioner, Kosi Division,



Saharsa, dated 06.10.2001.

5. Counsel for the State submits that the order passed by the Principal Secretary has been completely in accordance with law.

6. Upon going through the pleadings and particularly the order passed by the Principal Secretary, it transpires that the reasoning which has been assigned are as follows:-

“याचिकाकर्ता श्री सिंह ने अपने आवेदन में दि० 1.4.81 से प्रथम कालबद्ध प्रोन्नति, दि० 3.8.93 से द्वितीय कालबद्ध प्रोन्नति एवं दि० 9.8.99 से द्वितीय सुनिश्चित वृत्ति उन्नयन की स्वीकृति प्रदान करने का अनुरोध किया है। याचिकाकर्ता द्वारा किये गये दावे के अवलोकन से विदित होता है कि याचिकाकर्ता मोहर्रिर के पद पर अपनी प्रथम नियुक्ति की तिथि से सेवा की गणना कर कनीय लेखा लिपिक के पद पर 1.4.81 से प्रथम कालबद्ध प्रोन्नति एवं 3.8.93 से द्वितीय कालबद्ध प्रोन्नति चाहते हैं जो याचिकाकर्ता के पद परिवर्तन के कारण नियमानुकूल नहीं है।

वित्त विभाग के पत्रांक 920 दि० 6.3.90 के कोंडका-1 में इस आशय का प्रावधान है कि किसी सरकारी सेवक को जिस संवर्ग विशेष में या पद विशेष पर कालबद्ध प्रोन्नति देने का प्रस्ताव विचारणीय हो, उस संवर्ग में या उस पद पर नियुक्ति की तिथि से ही 10 वर्ष या 25 वर्ष की सेवा की गणना की जाय। इसके पूर्ववर्ती संवर्ग या पद पर की गयी सेवा की कालबद्ध प्रोन्नति के निमित्त गणना नहीं की जायगी।”

7. It transpires to this Court that the decision has been



taken by the Principal Secretary in the light of the letter No.920 dated 06.03.1990 issued by the Finance Department according to which the period of 10 years or 20 years of services shall be counted of any employee in the cadre in which he has been working, but in case, he has been promoted in another cadre, then in that case, the period of length of service shall be counted in the same cadre. The petitioner's calculation of period of service are lacking for the same and hence, this Court is of the view that there is no need of any interference in the decision made by the Principal Secretary, Water Resources Department, Patna.

8. In this view of the matter, the present writ petition stands dismissed.

(Dr. Anshuman, J.)

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