

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5652 of 2009

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Brahmadeo Sinha, son of late Ram Pati Singh, retired Director, Horticulture,
Bihar, Patna, resident of Mohalla- Vijay Nagar (Rukunpura) Police Station-
Rupaspur, Town and District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Government of Bihar, Old Secretariat, Building Patna
3. The Commissioner-cum-Secretary, Department of Agriculture, Government of Bihar, Patna.
4. The Finance Commissioner, Government of Bihar, Main Secretariat, Patna
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Sanjay Kumar, AC to AAG-4
For the AG Bihar	:	Mr. Ram Kinker Choubey, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

6 14-07-2025 Learned counsel for the State and learned counsel for the Accountant General are present. However, none appears on behalf of the petitioner.

2. It is noted that on several earlier occasions, namely, on 04.04.2014, 06.04.2017, and lastly on 20.01.2025 none had appeared on behalf of the petitioner despite repeated calls. On 20.01.2025, while adjourning the matter, this Court had specifically directed the State to file a counter affidavit. Although the counter affidavit has since been filed, there has



again been no appearance on behalf of the petitioner. It, therefore, appears that the petitioner has lost interest in pursuing the present case.

3. Learned counsel for the State submits that the financial benefit of promotion has already been extended to the petitioner, and in support of this, reliance is placed on paragraph no. 10 of the counter affidavit, which reads as under :-

“10. That in compliance to the order of this Hon’ble Court the department by notification no.4567 dated 01.11.2006 had given the financial benefit of the promotion from the date as it was given to other two senior officers. So far second part of the order of this Hon’ble Court is concerned, the department after due consideration has found that the petitioner was authorized vide notification no.4399 dated 20.06.1992 only to discharge the duty of Director, Horticulture purely on ad-hoc arrangement. The post of Director Horticulture is an Ex-cadre post and the petitioner was only authorized to work under working arrangement and therefore, the financial benefit in super time scale of Rs.4100-5300/- (unrevised) was not found to be acceptable and therefore such claim was rejected and to that extent the speaking order no. 4206 dated 07.10.2006 stood modified.”



4. In view of the above, this Court is of the considered opinion that the petitioner has lost interest in the present case. Accordingly, the writ petition is dismissed for non-prosecution.

(Dr. Anshuman, J)

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