

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20508 of 2013

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Kailash Das S/O Late Indradev Ram R/O Village - Vishambharpur, P.S. Bihta,
Distt. - Patna

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Road Construction Department, Govt. Of Bihar, Patna
3. The Engineer In Chief - Cum - Additional Commissioner - Cum - Special Secretary, Road Construction
4. The Chief Engineer, Rastrya Uchh Path Sub - Region, Bihar, Patna
5. The Superintending Engineer Rastrya Uchh Path Anchal, Muzaffarpur
6. The Executive Engineer Rastrya Uchh Path Division, Gopalganj
7. The Commissioner, Saran Division, Chapra

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Kamaluddin, Adv
For the Respondent/s	:	Mr. V.M.K Sinha
		Mr. Shashi Shekhar Tiwary AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

7 22-06-2026 Heard the learned counsel for the parties.

2. The present writ petition has been filed for the following relief(s)-

“1. For issuance of an appropriate writ order direction to grant first time bound promotion to the petitioner after completion of ten years of this service in a same pay scale and second time bound promotion from the due date as available.

II. For issuance of an appropriate writ order direction specially to the



Commissioner Saran Division, Chapra to grant exemption in favour of the petitioner from passing accounts Examination in pursuance of the request made by Executive Engineer Rastrya Ucch Path Division Gopalganj through letter No.332 dated 18.04.2005 to the Commissioner Saran Division, Chapra.

III. For issuance of an appropriate writ order direction to the respondents to make payment of the arrears of the salary of the petitioner after granting time bound promotions from its due dates along with interest.

IV. For issuance of an appropriate writ order direction to grant benefit of ACP scheme in favour of petitioner with its due date and to make payment of arrears thereof along with interest and to revised the pension of the petitioner accordingly and for payment of arrears of pension thereafter.

V. For issuance of an appropriate writ order direction to the respondents to grant promotion to the petitioner in the post of Head clerk in the office of Superintending Engineer National Highway Circle or to grant additional pay for the period the respondents took the work of Head clerk from petitioner which is evident from memo



no. 1187 dated 30.12.2000.

VI. For issuance of an appropriate writ order direction granting any other relief or reliefs in favour of petitioner for which he is found entitled.”

3. The learned counsel for the State while referring to the counter affidavit filed on behalf of the respondents no. 02 to 06 submits that the petitioner passed the Departmental Accounts Examination on 26.05.2012 and thereafter as per the prevailing rules, the promotion of the petitioner was considered in the meeting held on 07.02.2014 and accordingly the benefits of M.A.C.P. has been granted to the petitioner w.e.f. 26.05.2012. In support thereof, a chart has been brought on record wherein the name of the petitioner finds figure at Serial No. 05 and he has been granted the pay-scale of Rs. 9300- 34800/-with grade pay of Rs. 4600/- w.e.f. 27.05.2012. He submits that the grievance of the petitioner has been redressed and although the counter affidavit of the State was served on the learned counsel appearing on behalf of the petitioner on 22.07.2014, however, no denial of the said fact is thereon record, since no such reply has been filed on behalf of the learned counsel for the petitioner.

4. Considering the averments in paragraph no. 12 of the counter affidavit filed on behalf of the respondents no. 02 to 06 and the fact that no denial is there on record, this Court is of



the opinion that the relief sought for in the present writ petition has been granted to the petitioner in as much as, the benefits of stagnation has already been granted to the petitioner.

5. Accordingly, the present writ petition is dismissed as infructuous.

(Ritesh Kumar, J)

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