

Premchand Rai Son of Late Ramashish Rai, Resident of village- Sahbajpur,  
P.S.- Bihta, District- Patna- 800111.

Versus

1. The State of Bihar Bihar.
2. The Secretary, Road Construction Department, Bihar, Vishwasaraiya Bhawan, Patna.
3. The Chief Engineer, (Mechanical) Mechanical Wing, Road Construction Department, Bihar, Vishwasaraiya Bhawan, Patna.
4. The Engineer-in-chief-cum-Additional Secretary, Road Construction Department, Bihar, Vishwasaraiya Bhawan, Patna.
5. The Superintending Engineer, Mechanical Circle, Road Construction Department, Bihar, Vishwasaraiya Bhawan, Patna.
6. The Executive Engineer (Mechanical) Mechanical Division, Road Construction Department, Bihar, Patna.
7. The Commissioner, Patna Division, Patna.

... .. Respondent/s

For the Petitioner/s : Mr.Sunil Kumar Tiwary, Adv.  
For the Respondent/s : Mr.Standing Counsel 21

[illegible]

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

*i) For issuance of an appropriate writ (s), order(s) or direction commanding the Respondents- authorities and to quash the office order No.21 dated 20.02.2024 Executive whereby the respondent- Engineer (Mechanical) Mechanical Division, Road Construction department Patna has turned down the claims of the Petitioner by communicated the aforesaid order; vide letter*



*No. 105 dated 06.03.2024 to the counsel of the petitioner.*

*(ii) To provide the Promotional Benefits which was granted to the petitioner on the post of Senior Mechanic Grade -II by quashing later part of the office order No.18 as contained in Memo No.194 dated 03.02.1997 as it has been illustrated that except those employees who already granted Ist & 2nd Time Bound Promotion with financial benefits they will be not liable to get financial benefits of Promotion by the Respondent Chief Engineer, (Mechanical) Mechanical Wing, Road Construction Department, Bihar, Vishwasaraiya Bhawan, Patna which has been confirmed by subsequent Letter No.794 dated 30.7.1999 addressed to all the Superintending Engineers' (Mechanical), Executive Engineers (Mechanical) Mechanical Wing, Road Construction Department, Bihar by the respondent Chief Engineer (Mechanical), who by its order directed to all of them to revise the Pay Scale and pay the same.*

*(iii) Petitioner seeks declaration that on which post, he retired at the age of 60 years and not at the age of 58 years as prevailed at his retirement with its difference allowances.*

*(iv) For direction to treat the Promotion of the petitioner w.e.f. from 01.04. 1981 as it was due of that date and not w.e.f. 01.04.1984 with difference allowances.*

3. Counsel for the petitioner further submits that the petitioner had earlier moved before this Hon'ble court in C.W.J.C. No.7610 of 2023 in which vide order dated 05.12.2023, liberty was granted to the petitioner to approach the respondent authorities for redressal of his subsisting grievances, if any. Thereafter, the petitioner has filed representation which



was disposed of dated 20.02.2024 by which his grievance was not settled and therefore, the petitioner has filed the present writ petition.

4. Counsel for the State, on the other hand, submits that at the time of passing order on his representation, every aspect has been discussed including that the petitioner was initially appointed on 21.04.1965 as a skilled helper on pay scale of Rs.184/- in Public Works Department, Government of Bihar and subsequently, he was promoted on Junior Mechanical Grade-II and then Senior Mechanic Grade-I vide letter No.194 dated 03.02.1997. In this way, first and second time bound promotion was granted to him. It has also been submitted that the Establishment Committee had considered the petitioner's case and his pay-scale was fixed in the Senior Mechanical Grade-II. He further submits that the petitioner was retired on 31.05.2000 after completion of 58 years of his service.

5. Counsel for the State submits that after 2000, he has filed writ petition in 2023 after lapse of 23 years in which liberty was granted to him by this Hon'ble Court in C.W.J.C. No.7610 of 2023. After disposal of his writ petition, he has again filed the present writ petition before this Hon'ble Court.

6. It transpires to this Court that cause of action has



been developed to the petitioner in the year 2000 itself, which was subsequently entertained by the Hon’ble court in the year 2023. Again, he has filed a fresh writ petition. As such, this Court is not inclined to entertain the present writ petition and hence, dismissed.

7. With the aforesaid directions and observations, the present writ application stands dismissed.

**(Dr. Anshuman, J)**

Prakashmani/-

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