

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22270 of 2013

=====

Fakira Yadav Son Of Late Shyam Lal Yadav Resident Of Village - Ghosi
Tola, Ps - Kotwali, Po District - Munger

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Cum Commissioner,
Department of Health & Family Welfare, Bihar, Patna.
2. The Deputy Secretary, Department Of Health and Family Welfare, Bihar,
Patna
3. The Director In Chief, Health Services, Bihar, Patna
4. The Joint Director, Health Services, Bihar, Patna
5. The Regional Deputy Director, Health Services, Munger Division, Munger
6. The Civil Surgeon Cum Chief Medical Officer, Munger
7. The Deputy Chief Medical Officer, Munger

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sheel Bhadra Jha, Advocate
	:	Mr. Yash Raj Singh, Advocate
For the Respondent/s	:	Mr. Suresh Kumar, AC to GP-1

=====

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL JUDGMENT

Date : 07-04-2026

Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

2. The present writ petition has been filed for a direction
upon the respondents, particularly respondent no.6 to provide the
2.5% of the basic pay or Rs. 1000/-, which is maximum per month
as deputation allowance for his work as as driver, whereas his
regular post is peon and for grant of promotion from his original
post to Class-III post.



3. The brief facts giving rise to the present writ petition are that the petitioner was initially appointed by the Civil Surgeon Cum Chief Medical Officer, Munger after adopting the process of appointment on 08.01.1991. After rendering his services for more than six years, the petitioner requested the competent authority on 23.01.1996 to permit him to perform the duties of the driver, since he was having a valid driving license. Vide letter no. 754 dated 28.11.1996 issued under the signature of the Additional Chief Medical Officer, Munger, the petitioner was granted promotion to the post of driver and started performing the duties of driver. Subsequently, vide Memo No. 442 dated 05.12.2002 issued under the signature of the Regional Deputy Director, Health Services, Munger Division, Munger, a direction was issued to grant the petitioner the pay scale of driver and it was mentioned that the said order would be applicable only after confirmation from the Director-In-Chief, Health Services, Government of Bihar, Patna.

4. The learned counsel for the petitioner submits that in view of the resolution dated 31.12.2009 of the Finance Department, a decision was been taken that employees who have served on deputation, will be entitled for deputation allowance of 2.5% of the basic pay or Rs. 1,000/-, whichever is maximum, even



then the petitioner has been denied the said benefit and has not been given the benefits attached to the post of driver, including the pay fixation etc.

5. Per contra, the learned counsel for the State submits that the petitioner was granted promotion to the post of driver by the Additional Chief Medical Officer, Munger, although, he was not competent authority to do so, but even then the said promotion was given in the same pay scale, in which the petitioner was working prior to the said, so called promotion. The petitioner filed different representations before the then Additional Chief Medical Officer, Munger by giving his willingness to work on the post of driver and taking into consideration the willingness shown by the petitioner, he was directed to perform the duties of the post of driver in his own pay scale, therefore there is no question of making payment of any deputation allowance, since the petitioner was never sent on deputation as a driver.

6. The learned counsel for the State further submits that the petitioner has been paid all the benefits attached to the post, on which he was appointed i.e. Peon and since he was directed to perform the duties of the driver, taking into consideration his willingness, for which he had filed representation before the Additional Chief Medical Officer, Munger, therefore he is not



entitled for the relief sought for in the present writ petition. The benefits of ACP/MACP have already been given to the petitioner.

7. Having heard the learned counsel for the parties and after going through the documents, this Court finds that the petitioner was promoted on the post of driver by an authority, who was not competent to do so and the said promotion was never approved by any higher authority and even the approval to give pay scale of driver to the petitioner, given by the Regional Deputy Director, Health Services, Munger was subject to approval by the Director in Chief, Health Services, Government of Bihar, Patna. But, the said approval was never given in the case of the petitioner and, therefore rightly so he has not been granted any financial benefits attached to the post of driver.

8. Accordingly, from the considerations made above, I do not find any merit in the writ petition and the same is dismissed.

9. Pending application, if any, shall also stand disposed of.

(Ritesh Kumar, J)

AjayMishra/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	08.04.2026
Transmission Date	NA

