

(1996) 09 PAT CK 0036
In the Patna High Court
Case No : C.W.J.C. No. 12502/1993

Baidyanath Prasad Singh and Another APPELLANT
Vs
Patna University and Others RESPONDENT

Date of Decision : 24-09-1996

Acts Referred:

Citation : (1996) 09 PAT CK 0036

Final Decision : Allowed

Judgement

Sudhansu Jyoti Mukhopadhyaya, J.—In this writ petition, the main question arises as to whether the non-teaching employees of Universities of State of Bihar, including Patna University, are entitled for time-bound promotion or not as stipulated with respect to similarly situated Government of Bihar's employees.

2. The writ petition was originally filed by the two petitioners for arrears of salary, in the revised scale of pay in view of second time bound promotion already granted in their favour. Further prayer was made for revised post retirement benefits on the basis of such order of second time bound promotion.

3. During the pendency of the writ petition, the respondent-State came out with one notification dated September 15, 1995, by which it was decided not to allow time bound promotion policy with respect to non-teaching employees of Universities. The petitioners have challenged the said Order No. 1494 issued vide notification dated September 15, 1995, by one amendment petition.

4. So far as the service history of the petitioners are concerned, it shows that the petitioners were appointed as L.D. Assistant (now known as Assistant) in the Patna University on January 4, 1961 and January 6, 1961 respectively. Subsequently, by one notification dated December 27, 1963, they were confirmed from their initial date of such appointment i.e. January 4, 1961 and January 6, 1961 respectively.

While in service, there being no avenue of promotion against any one or other higher post, the respondent-Patna University from their end made time bound

promotion policy of the State Government applicable with regard to the non-teaching university employees. A number of non-teaching employees were granted such time bound promotion. By one notification dated November 30, 1987, the petitioners were granted higher grade (junior selection grade of Assistant), by way of first time bound promotion with effect from April 1, 1981, but it was stipulated that the arrears of salary was to be paid with effect from October 1, 1987, The petitioners were actually provided with arrears of salary for about 1/2 years, but the balance amounts were not released. Subsequently, a number of non-teaching employees, including those who were junior to the petitioners as Assistant, their cases were considered for second time bound promotion (two senior selection grade scale of the post of Assistant) and they were granted such 2nd time bound promotion to next higher grade with effect from April 1, 1987. The case of petitioners having not considered, they represented, but before any decision on the same, the petitioners retired. The petitioner No. 1 retired from the services of the University on February 28, 1988, whereas petitioner No. 2 retired on November 30, 1988, having attained the age of 60 years. After retirement of petitioners, their pensions were not finalised, the provisional pension payment orders were issued. Subsequently, the respondent-Patna University again considered the cases of number of non-teaching employees, including juniors to the petitioners for second time bound promotion to senior selection grade scale. By notification dated August 29, 1989, juniors were granted such second time bound promotions to senior selection grade scale of Assistant with effect from April 1, 1984. They were also provided with arrears of salary. This time again the cases of petitioners were not considered.

Ultimately, the University considered the cases of petitioners for such second time bound promotion to senior selection grade scale. By one notification dated February 20, 1991, both the petitioners were granted promotion to senior selection grade scale with effect from April 1, 1984, along with others.

Though the petitioners were so promoted, by way of second time bound promotion, but arrears of salary were not released. When the petitioners represented for such arrears of salary and appropriate revision of post retirement benefits on the basis of such second time bound promotion, the respondent-University informed the petitioners that such payment shall be made, whenever the grant shall be released by the State of Bihar. Subsequently, such grant having not been released, the petitioners had to move before this Court by filing the present writ petition.

5. Initially one counter affidavit was filed by the Patna University. The counsel for the Patna University took the stand that they could not release the arrears of salary, nor could revise the post retirement benefits, the fund having not been released by the State of Bihar. The counsel for the University submitted that the moment the State of Bihar will release such fund for payment in favour of the petitioners, they would pay the same.

6. Another counter affidavit was filed on behalf of the State of Bihar. In their first

counter affidavit, a stand was taken that the State of Bihar has never approved time bound promotion policy with respect to non-teaching employees of the Universities, including the Patna University. It was submitted that if the Patna University on their own provided some higher scale by way of time bound promotion, the same was without jurisdiction, unauthorised and beyond the competence of the University.

A number of supplementary affidavits and other affidavits were filed on behalf of the petitioners as well as University to show that there was some sort of decision taken by the State Government and undertaking given by them with regard to time bound promotion policy. All decisions relating to time bound promotions not being on record, this Court directed the parties to file supplementary affidavit/ counter affidavit to bring all the relevant documents on the record of the case. The Commissioner-cum-Secretary, Higher Education, Government of Bihar, namely Shri R. C. Saha was also ordered to remain present in the Court so as to assist the Court on factual aspect.

In this case, it is to be taken into note that earlier one agreement was reached between the State Government and federation of non-teaching employees of Patna University on March 25, 1989, in which it was decided to provide second time bound promotion to the non-teaching employees of the University. The aforesaid agreement was signed by the Commissioner-cum-Secretary, Higher Education, Government of Bihar. This agreement was enclosed by the petitioners as Annexure 13. As in the agreement, the Commissioner-cum-Secretary, Higher Education, Government of Bihar agreed for second time bound promotion, with respect to non-teaching employees of the University, this Court wanted to see the decision of the State Government relating to first time bound promotion. The question of second time bound promotion will arise only if there is promotion for first time bound promotion.

6A. On July 17, 1995, Mr. K. C. Saha, the Commissioner-cum-Secretary, Higher Education of Government of Bihar made submission on behalf of the State Government that the State Government was committed to allow first time bound promotion and second time bound promotion in favour of the University's employees, for which agreement has already been reached. However, it was stated that certain time was to be taken by the State Government for issuance of appropriate notification. One month's time was prayed for by the State Government for issuance of such notification relating to time bound promotion, which was granted on July 17, 1995. At that point of time, a supplementary counter affidavit was filed by the State Government, pointing out that there was no decision taken with respect to first time bound promotion to be made applicable for the University employees.

The case was subsequently taken up by the Court on August 23, 1995. The learned Advocate General prayed for further one month's time to act in terms with the statement made on behalf of the State before this Court on July 17, 1995. Again one month's time was granted to the State Government. However,

when the case was taken up after one month, i.e., on September 26, 1995, the respondent-State did not choose to act on the basis of their undertaking given before this Court on July 17, 1995, as reiterated before this Court, on August 23, 1995, but by a third supplementary affidavit they have enclosed a copy of the decision contained in the impugned notification dated September 15, 1995. By the said decision, it was decided by the State Government not to make time-bound promotion policy applicable with regard to non-teaching employees of the University.

7. All the aforesaid facts, I am narrating just to show as to how the State Government played hide and seek role with this Court, particularly, when the Advocate General was assisting the Court.

On perusal of different records and the statements made by the parties, the following admitted facts emerge :

(i) In all the Universities of the State of Bihar, the respondent-State made applicable the recommendation of Pay Revision Committees of the State Government. The non-teaching employees of Universities, including Patna University, they have been provided with the same scale of pay as that of corresponding post under the State Government. For example; the Assistants of an University are provided with changed scale of pay as that of the Assistants of the Secretariat of the State Government. Both of them having same qualification and nature of duties.

It will be evident from the State Government's letter No. 881 dated June 2, 1982, by which 4th Pay Revision Committee's recommendation was implemented for non-teaching University employees.

(ii) It was accepted at the Bar that all the Universities of the State of Bihar, including Patna University (altogether 12 (twelve) Universities) had been given an idea that the non-teaching employees of the Universities are equally entitled for time bound promotions, as was made applicable with respect to; employees of the State Government, on the recommendation of the 4th Pay Revision Committee. On the basis of such idea, a number of non-teaching employees of different Universities of the State of Bihar, which will be somewhat more than 15,000, they were granted one or other time bound promotions i.e. first or second time bound promotion to higher grade. On such promotion, demands were also made by the Universities from the State Government for release of salary, in the higher grade. The State Government also released such fund and salary in the higher grades which were paid to most of such persons. No objection was raised by the State Government at any point of time that the Universities have no jurisdiction to grant such time bound promotion to higher grades, there being no such decision taken by the State Government.

It is to be taken into note that even the petitioners were provided with first time bound promotion in the higher grade, for which fund was also released by the State Government. It is only after second time bound promotion, that too by

filing a counter-affidavit, for the first time, the respondent-State have raised objection.

(iii) It is also accepted at the Bar that this Court in number of cases gave directions in one or other way for grant of time bound promotion to non-teaching employees of different Universities and for consequential benefits of the same, including the revised post retirement benefits. This will be evident from one order of Division Bench of this Court passed in the case of Surya Prakash Tripathy v. State of Bihar in C.W.J.C. No. 8872 of 1993, disposed of on September 7, 1993.

Not only that the State Government all the time implemented the Court's decisions, but also issued orders for release of such salary in the higher grades, granted by way of time bound promotions. This will be evident from letter No. 2006 dated October 31, 1994 of Commissioner-cum-Secretary, Higher Education, wherein the respondent-State has given the following information to the Patna University :

" Nideshanusar Kahna Hai Ki Pratham Kalbadha Pronatti Ka Suwidha Tatha Pancham Wetan Punarikshit Wetanman Ki Rashi Bhugtan Kay Mamie May Pratham Kalbadha Pronati Dinank April 1, 1981. Say March 31, 1984 Tatha Pancham Wetan Punarikshit Wetanman Dinank March 1, 1989. Say March 31, 1990 Ki Rashi Ko Vishwavidyalaya Ko Pahle Hi Bhugtan Kar Dena Chahiyay Tha."

"Jahan Tak Dwitiya Kalbadha Pronati Dene Ka Prasna Hai, Yeh Mamla Abhi Vicharadhin Hai Or Sanchika Witta Wibhag Ko Bheji Gai Hai. Juktak Witta Wibhag Sahmati Prapt Nahi Ho Jati Hai Tab Tak Yeh Rashi Bhugtan Kia Ja Sakta Hai."

The aforesaid letter was written by the State Government while dealing with the case of one Smt. Shamima Khatoon in C.W.J.C. No. 11737 of 1993. This letter also shows that the State Govt. was also proceeding with the idea that the first time bound promotion policy has already been made applicable with respect to the non-teaching employees of the University and it is only the second time bound promotion policy to be approved for such non-teaching employees of the University.

8. If the relevant provisions of law, circulars and letters, issued by the respondents from time to time, are taken into note, the following picture emerges :

(i) In terms with Section 35 of both the Patna University Act, 1976 and Bihar State Universities Act, 1976, the pay and allowance of any post cannot be increased without prior permission of the State Government.

(ii) In the year 1969, an agreement was reached between the University and College Employees' Federation on one hand and the State Government on the other, wherein it was decided to provide all benefits, as granted to the State Government employees, to the equivalent employees of Universities and their constituent colleges. This will be evident from Letter No. 2000 dated July 9, 1976.

(iii) The employees of the Universities used to get same scale of pay as that of corresponding post under the State Government. Certain posts like Lower Division Assistants and Upper Division Assistants were merged under the State Government by their Letter No. 3734 dated April 7, 1977. This merger was also made applicable for University employees. This would be evident from Patna University's notification dated September 4, 1981

(iv) The State Government, vide Finance Department's Resolution No. 10770 dated December 30, 1981 accepted the recommendation of the 4th Pay Revision Committee for State Govt. employees. For the first time, the provision of time bound promotion was laid down vide the resolution,

(v) The State Government by their Letter No. 881 dated June 2, 1982 made the 4th Pay Revision Committee's recommendation applicable for non-teaching employees of different Universities with effect from April 1, 1981. However, nothing was said with regard to time bound promotion.

(vi) By another Letter No. 123C dated February 25, 1987, the State Government intimated the General Secretary of Bihar State Universities and Colleges Non-teaching Employees Federation that the agreement which has been reached and accepted that the facilities which have been provided to the State Government employees, the same will be made applicable to the Universities and their constituent colleges' non-teaching equivalent employees.

(vii) The Patna University vide their Letter No. 12000-12080 dated November 12, 1987 made applicable the time bound promotion policy with respect to non-teaching employees of the Universities. However, it was stipulated that arrears of salary for the period from April 1, 1981 to September 31, 1987 will be paid on receipt of Government grant for the same.

(viii) On March 25, 1989, the State Government reached an agreement with Patna University Employees' Association, wherein it was decided to provide benefit of 2nd time bound promotion to the non-teaching employees of Universities and their constituent colleges, which agreement was circulated by Patna University's Letter No. 9952 dated March 28, 1989. (ix) The State Government vide Finance Department's Resolution No. 6021 dated December 18, 1989 accepted the recommendation of the 5th Pay Revision-cum-Fitment Committee for its employees. The existing time bound promotion to selection grade scale was allowed to continue, (x) The Patna University vide their memo No. 121 dated April 5/6, 1990 decided to make applicable the 5th Pay Revision Committee's recommendation with respect to non-teaching employees.

(xi) The State Government by their Letter No. 2124 dated November 30, 1994, for the first time, intimated that the Audit has made objection relating to time bound promotion, as no specific decision has been taken by the State Government and the matter relating to time bound promotion policy to be made applicable for non-teaching employees is pending consideration before the State Government.

(xii) By order, contained in Memo No. 1494 dated September 15, 1995, the State Government rejected the claim of non-teaching employees of Universities and their constituent colleges relating to implementation of time bound promotion policy on the ground that the State Government employees retire from service at the age of 58 years, while the Universities' employees retire at the age of 60 years and thereby both of them cannot be compared nor can be treated at par.

9. From all the aforesaid facts, it emerges that the State Government played hide and seek in the matter of making time bound promotion policy applicable with respect to the non-teaching employees of the Universities and their constituent colleges. As back as in the year 1969, the State Government reached agreement with Association of Non-teaching Employees of the Universities to provide same benefits to non-teaching employees of the Universities equivalent to that of State Government employees. It was circulated vide Letter No. 2000 dated July 9, 1976, When the Universities, including Patna University made the same applicable and granted time bound promotion with effect from April 1, 1981, no objection was raised by the State Government and even funds were released. Many more than 15000 employees of different Universities were granted such benefits of time bound promotion.

In a number of cases, this Court also gave direction to provide such time bound promotions, in favour of one or other non-teaching employees, which was also not objected by the State Government. On the other hand, while dealing with one of the cases, namely, C.W.J.C. No. 11737 of 1993, the State Government vide Letter No. 2006 dated October 31, 1994, ordered Patna University to provide the benefits of first time bound promotion and revised scale on the basis of recommendation of the 5th Pay Revision Committee. It was also agreed upon, even by agreement, to make applicable the 2nd time bound promotion policy applicable with respect to non-teaching employees of the Universities and their constituent colleges, which will be evident from agreement dated March 28, 1989, as well as the State Government's Letter No. 2006 dated October 31, 1994.

Apart from the same the State Government approved the statute relating to time bound promotion with respect to teaching employees of different Universities and their constituent colleges by Statute No. 4032- GS(I) dated December 24, 1986.

However, no formal notification was issued by the State Government making the said time bound promotion policy applicable with respect to the non-teaching employees of different Universities and their constituent colleges.

10. This apart, the State Government tried to mislead this Court in the matter of time bound promotion policy. When the aforesaid action on the part of the State Government came to the notice of this Court, Mr. K. C. Sana, the Commissioner and Secretary of the Higher Education Department of the State of Bihar was called in the Court, The order dated July 17, 1995, passed in this case, reads as follows :

"Mr. K. C. Saha, Commissioner and Secretary, Higher Education of the State of Bihar is present in Court. He submits that in principle, the State is committed to allow first time bound promotion and second time bound promotion in favour of the University's employees, for which already agreement has been signed, but certain time will be taken by the respondent-State for issuance of the proper notification relating to such grant of first time bound promotion and second time bound promotion. He prays for one month's time to come out with such notification of first time bound promotion and second time bound promotion with respect to the University's employees."

The order passed on August 23, 1995, by this Court, in the present writ petition, reads as follows:

"Mr. Advocate General, Bihar prays for one month's time to act in terms with the statements made by the Commissioner-cum-Secretary, Higher Education, Govt. of Bihar on July 17, 1995."

In spite of the aforesaid specific undertaking given by the respondent-State before this Court, which has not yet been recalled, the respondent-State came out with the impugned notification dated September 15, 1995 denying such benefits of time bound promotion to the employees of different Universities.

11. It is accepted by both the parties that the non-teaching employees of Universities and their constituent colleges are eligible for same scale of pay as that of corresponding employees of the State Government. It is for the said reason, whatever the scale of pay that has been provided for employees of State Govt., on the recommendation of Pay Revision Committees, the same scale of pay has been provided by the State Government to the corresponding non-teaching employees of Universities and their constituent colleges. For example, the Assistants of Universities and their constituent colleges: have been provided with same scale of pay as that of the Assistants of State Government working in Secretariat and attached offices. The 4th Pay Revision Committee's recommendation which was accepted by the State Government with respect to its employees vide Finance Department's Resolution No. 10770 dated December 30, 1981, with regard to time bound promotion, the following recommendation was made, which was accepted :

"11. With regard to time-bound promotion, the Fourth Pay Revision Committee have made the following recommendations:

(i) Personnel management should envisage providing at least two promotions to each and every employee in Government service, the first by the end of ten years of service and the second by the end of 25 years of service.

(ii) If an employee who is otherwise fit for promotion and has not been able to get a single promotion by 10 years of service notwithstanding the fact that a specified percentage of the cadre is already provided in the different levels of promotion inclusive of the selection grade, he should be promoted to the junior

selection grade at the end of the tenth year.

(iii) If an employee, although otherwise found fit for a second promotion, has not been able to secure a second promotion by the 25th year of his service notwithstanding the fact that a specified percentage of the cadre is already provided in the different levels of promotion inclusive of the selection grade, he should be promoted to the senior selection grade at the end of the 25th year.

(iv) The aforesaid facilities should be extended to all employees whether they belong to any formally constituted service or cadre, or not and including employees holding isolated posts. In their case, the pay scale immediately higher than the pay scale prescribed for the basic post should be considered as the pay scale for the junior selection grade, and the pay scale immediately higher to that of the aforesaid junior selection grade should be deemed to be the pay scale for the senior selection grade.

(v) The aforesaid scheme of time-bound promotion will not be applicable to services, cadres and posts of which the maximum of the pay scale of the basic grade exceeds Rs. 2,000/-.

(vi) The other conditions, the rules and procedures meant for usual promotion should be followed in case of the aforesaid time-bound system also.

(vii) Since the aforesaid scheme is meant as an anti-stagnation measure, it should be applicable in case of only such employees who have not been able to get the first or the second promotion, as the case may be. In other words, the benefit of the time-bound system should be extended to those who are stagnating in the same pay scale to which they were appointed or its corresponding revised pay scale. The benefit should not be made applicable to such employees who, after once joining Government service have, for any reason, been elevated to a higher pay scale, by promotion, merger or even upgradation. This should require issue of specific orders in case of every employee which should obviously be done only after a careful examination of his service records.

(viii) The aforesaid scheme is obviously not intended to deny any employee earlier promotion that comes in his favour in the usual course.

The above recommendations have been accepted by Government subject to the condition that the benefit of time-bound promotion over and above the selection grade quota of posts as envisaged in paragraph 10, will be allowed to eligible employees only after first exhausting the possibility of accommodating such employees against the vacancies available in the selection grade."

12. From the aforesaid resolution, it will be evident that time bound promotion is practically not a promotion against any higher cadre/rank. It is only by way of anti-stagnation measure, the provision was made so that an employee at least gets higher grade, twice in his service career.

It is a settled law that time bound promotion is not a promotion against a higher post/rank. The word "promotion" used therein is redundant for all purposes. It is merely grant of higher grade in the same cadre.

From the aforesaid discussion, it is evident that if an employee is otherwise fit and has not been provided with promotion by way of anti-stagnation measure, such employee is to get higher grade after completion of certain period.

13. The principle of "equal pay for equal work" is now a settled principle and denial of the same is violative of Articles 14 and 16 of the Constitution of India read with Article 39(d) of the Constitution. It is on the basis of this principle, it is admitted position that the similarly situated employees of Universities and their constituent colleges are being provided with same scale of pay as that of the similarly situated employees of the State Government.

In this context, reference of different decisions of Supreme Court can be taken into account, namely, *Randhir Singh Vs. Union of India (UOI) and Others*, , *Haryana State Adhyapak Sangh and Others Vs. State of Haryana and Others*, followed by *Haryana State Adhyapak Sangh and Others Vs. State of Haryana and others*, between the same parties.

Now once the State Government employee is provided with the scale of pay, the respondent-State is to make the same equally applicable with regard to similarly situated employees of the Universities and their constituent colleges. In fact, that has been made applicable.

Now the position vis-a-vis the State Government and the Universities employees, on the basis of time bound promotion policy, will be as follows :

(a) While an Assistant of State Government will get basic grade of Assistant while entering the service, by virtue of time bound promotion policy, he will get the immediate next higher grade on completion of 10 years and second higher grade on completion of 25 years of Service.

(b) On the other hand, an Assistant of University or its constituent college will start his career with same basic grade scale of pay. He will continue in the said basic grade scale for his life long period, there being no other promotional avenue.

The effect will be that the two similarly situated Assistants of State Government vis-avis Universities will be treated equal for the purpose of pay in consonance with Articles 14 and 16 of the Constitution read with Article 39(d) thereof, at the time of their entry in the service, after ten years, there will be a disparity in the scale of pay. The State Govt. Assistant will get higher scale of pay, though he will be performing the similar duty, but the University employee will not be getting such higher grade after such ten years. The aforesaid anomaly will create a discrimination between the two sets of equally situated employees, which will be violative of Articles 14 and 16 of the Constitution of India read with Article 39(d) thereof.

14. Apart from the same, a model employer cannot act arbitrarily. It is now a settled law that at least two avenues of promotions are to be created by the employer, so that its employees do not stagnate in the basic grade scale of pay for whole of their service career. The State Government while acting as a model employer can come out with the time bound promotion policy as an anti-stagnation measure; denial of the same to similarly situated employees of the Universities and their constituent colleges, will also be violative of Articles 14 and 16 of the Constitution of India, being arbitrary.

15. So far as the ground given in the impugned order dated September 15, 1995, according to this Court, the same has got no nexus with its object. The time bound promotion policy has been laid down as an anti-stagnation measure. It ensures an employee of grant of higher grade, if there is no avenue of promotion in the whole of his service career of such employee. This anti-stagnation measure has got nothing to do with the retirement age of such employees. Whether the retirement age is 58 years or 60 years and or 62 years, the same has got no nexus with the time bound promotion, as it is to be seen whether till such retirement any promotional avenue was available to employees or not. In these circumstances, the ground given in the impugned notification dated September 15, 1995 being completely irrelevant one, and the same being violative of Articles 14 and 16 of the Constitution of India, as such it cannot be sustained in the eye of law.

16. According to this Court, the respondent-State is bound to make the same time bound promotion policy of State Government employees applicable with respect to similarly situated non-teaching employees of Universities and their constituent colleges, because of the following reasons :--

(a) Non-application of the same will amount to allow an employee of Universities and its constituent colleges to continue on stagnation in the basic grade of pay for whole of his service career, without any promotional avenue, which is violative of Article 14 of Constitution of India.

(b) Non-application of time bound promotion policy with respect to similarly situated employees of Universities and their constituent colleges, vis-a-vis the State Govt. employees will be violative of the principles of "equal pay for equal work", on completion of ten years and 25 years of service. It is again violative of Arts, 14 and 16 of the Constitution of India, read with Article 39(d) thereof.

(c) The State Government all the time gave assurance to make the time bound promotion policy applicable for employees of Universities and their constituent colleges. Apart from different agreements reached between the State Government and University Employees Federation, they made such statement on July 17, 1995 before this Court and reiterated the same on August 23, 1995, when this Court directed the respondent-State to come out with specific decision with regard to time bound promotion policy.

Now such assurance having been given before this Court and no prayer having

been made for recall of such assurance, it is not open to the respondent-State to back out from such assurance given before this Court.

17. Accordingly, the impugned notification of State Govt., contained in order dated September 15, 1995 is set aside. The respondent-State of Bihar and its authorities are directed to come out with time bound promotion policy immediately and make the same applicable with respect to the non-teaching employees of different Universities and their constituent colleges, including Patna University, as is provided in Paragraph-11 of Finance Department's Resolution No. 10770 dated December 30, 1981. Such notification is to be issued within a period of one month from the date of receipt/production of a copy of this judgment. The respondent-State of Bihar and its authorities are also directed to release such fund in favour of one or other University, including Patna University, as they will requisition, so that they may release the consequential benefits of arrears of salary to their employees by virtue of such first time bound promotion and second time bound promotion.

18. So far as the present writ petition is concerned, the respondents are directed to release the arrears of salary of both the petitioners on the basis of time bound promotion policy, including second time bound promotion already granted in their favour. They are also directed to revise the post retirement benefits of both the petitioners, taking into note the time bound promotions granted in favour of the petitioners, with further direction to pay the petitioners with consequential benefits of revision of post retirement benefits, including arrears thereto. This direction of this Court is to be complied by the respondents within a total period of three months from the date of receipt/ production of a copy of this judgment.

19. The writ petition is allowed. On the facts and circumstances of the case, a cost of Rs. 5000/- is imposed on the respondent-State of Bihar, to be paid in favour of petitioners within the aforesaid three months' period.