

---

**(2015) 07 JH CK 0079**  
**In the Jharkhand High Court**  
**Case No : WP(S) No. 162 of 2014**

Basuki Prasad Singh

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

---

**Date of Decision :** 27-07-2015

**Acts Referred:**

**Citation :** (2015) 3 JLJR 439

**Hon'ble Judges :** Aparesh Kumar Singh, J

**Bench :** Single Bench

**Advocate :** Hasnain Waris, for the Appellant

**Final Decision :** Disposed off

---

## Judgement

Aparesh Kumar Singh, J—Heard learned counsel for the parties.

The petitioner herein seeks promotion to the post of Assistant Driller in the Drinking Water and Sanitation Department, Mechanical Division, Mednagar, Palamau with retrospective effect from 1985 on the strength of his claim that he is posted as Rig Man continuously but regularly performing the duties of higher post of Assistant Driller. The petitioner has sought for disposal of his representation made for the aforesaid grievances.

From the pleadings on the record and the stand of the respondents in their counter affidavit, it appears that the petitioner's engagement was initially on daily wages muster roll and thereafter was appointed in 1981 to the post of Rig Khalasi under work charge establishment. He got promotion as Rig Helper in 1982 and Rig Man in 1984 also under work charge establishment. The petitioner was also granted 3rd MACP due to non-availability of any higher post w.e.f. 1.10.2011.

2. The petitioner has pointed out from Annexure-C dated 12.10.2012 issued by the Superintending Engineer, Drinking Water and Sanitation, Mechanical Circle, Ranchi that he was taken in regular establishment w.e.f. 1.10.1991. Though the

petitioner has tried to make out a case that the respondents have been taking work from him of the post of Assistant Driller, but apparently there are no specific orders to that effect. The petitioner has, however, relied upon the representation enclosed as Annexure-8 series where endorsement has been made for taking an appropriate decision on the claim of the petitioner by his superior authorities such as Junior Engineer/Assistant Engineer under the said circle. The petitioner contends that at least he should be allowed officiating pay of the said post in terms of Rule 103 of the Jharkhand Service Code.

3. The respondents have taken a plea that there are no further promotional post in the line and the petitioner has already been granted two promotion to the post of Rig Helper and Rig Man and thereafter 3rd MACP also.

4. Be that as it may, taking into account the aforesaid material facts on record, it appears that on the one hand, the petitioner being under work charge establishment had got two promotion and after being taken in regular establishment in 1991 has been granted 3rd MACP on completion of 30 years of service on account of the fact that there are no further promotional post in the cadre as he claims. There are no service Rules or departmental circulars shown under which the post of Assistant Driller is next higher post in the channel of promotion from that of Rig Man. However, if the petitioner's claim of officiating pay for the post of Assistant Driller is substantiated by any cogent proof that the respondents have been taking work of Assistant Driller from him, he is at liberty to raise his grievances before the respondent No. 4, Chief Engineer (Mukhyalaya) Drinking Water and Sanitation Department, Government of Jharkhand through proper channel, which may be considered in accordance with law within a reasonable time after due scrutiny of all relevant records relating to the petitioner. The writ petition stands disposed of accordingly.