
(2008) 03 PAT CK 0035
In the Patna High Court

Ramanak Mishra		APPELLANT
	Vs	
The State of Bihar and Others		RESPONDENT

Date of Decision : 24-03-2008

Acts Referred:

Citation : (2008) 03 PAT CK 0035

Hon'ble Judges : Navin Sinha, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Navin Sinha, J.—Heard the learned Counsel for the petitioner and the learned Counsel for the State.

2. The petitioner superannuated from service on 30.9.1997. After his superannuation he was promoted to the post of Under Secretary with effect from 1.3.1994 by an order dated 17.8.1998. He submitted a representation in 1999 for grant of monetary benefits. Having failed to evoke any response he is before this Court.

3. A counter affidavit has been filed. The counter affidavit is explicit that the delay in promotion was on account of reasons attributable to the respondents themselves and not to the petitioner even while it urges that the petitioner is not entitled to the monetary benefits, as he had not worked on the promotional post, yet in Para 4(iv) of the counter affidavit it concedes that others promoted by same notification have been granted monetary benefits under separate orders of this Court.

4. This Court in the facts and circumstances the case, finds it difficult to appreciate the action of the respondents in granting belated promotion to the petitioner and then seeking to take advantage of their own lapses to deny him the monetary benefits. Even while they themselves concede that others promoted by the same notification notionally have been granted monetary benefits as under the orders of this Court.

5. This Court therefore holds that the petitioner is also entitled to the monetary benefits of the promotional post with effect from 1.4.1994 after adjustment of the amount paid to him already. The respondents are also required to re-determine and recalculate his pension and other retiral dues accordingly. Let the entire arrears of salary and revised pension dues be ascertained and paid to the petitioner within a maximum period of four months from the date of receipt and/or production of a copy of this order.

6. There is another aspect of the matter. This Court has been coming across several cases where the issue has been decided by this Court. The decision of this Court has also been appended as annexure to the writ application. The only difference here is the admission by the respondents themselves of monetary benefits having been granted to others notionally promoted under the same notification. Yet counter affidavits are filed and the matter is sought to be contested mechanically in a routine manner. This is an unfortunate situation. It results not only in wastage of time of the Court but the Government is also forced to incur unnecessary expenditure. This Court therefore requires that a copy of this order be sent to the Chief Secretary of the State of Bihar who is requested to issue appropriate instructions to Heads of all the Departments that in matters where the issue has already been set at rest by this Court and which has been acted upon by the respondents in similar circumstances there shall be no justification for the respondents to have the luxury of contesting the same at the tax payers expense. This Court hopes and trusts that this shall be complied with for the benefit of all including the Court, the State as well as the Citizen.

The writ application stands allowed.