
(1997) 03 PAT CK 0007
In the Patna High Court
Case No : C.W.J.C. No. 12259 of 1995

Shri Shyam Narayan Singh	Vs	APPELLANT
State of Bihar and Others		RESPONDENT

Date of Decision : 12-03-1997

Acts Referred:

Citation : (1997) 03 PAT CK 0007

Hon'ble Judges : N. Pandey, J

Bench : Single Bench

Advocate : Indu Shekhar Sinha and P.K. Mishra, for the Appellant; Ashok Kumar, for the Respondent

Judgement

N. Pandey, J.—Heard the parties. This writ petition has been filed for a direction to the respondents at least to pay the minimum salary, which is available to the Correspondence Clerks since he has been regularly performing the duties of a Correspondence Clerk with effect from 29.6.1984.

2. It appears the petitioner was initially engaged as Treasure Guard (Class IV Post) on casual basis by the Superintending Engineer vide his order dated 13.5.1980 (Annexure-1). Later by order dated 29.6.1984, contained in Annexure-5, petitioner was asked to look after the job of Correspondence Clerk besides his regular duties of Treasure Guard.

3. The grievance is although respondents are taking work of Correspondence Clerk till this day, but even the minimum scale, which is available against such a post, is not being paid.

4. A prayer has also been made to direct the respondents to consider the claim of the petitioner for promotion, since the Executive Engineer of the concerned department had already recommended vide his letter dated 28.2.1992, contained in Annexure-13 for the same. Similar recommendation was also made by the Chief Engineer by letter dated 23.2.1994 (Annexure-14).

5. But in my view, as yet the petitioner was not finally confirmed against the post of Treasure Guard, therefore, it would be difficult for this Court to direct the authorities to grant him promotion to the post of Correspondence Clerk.

6. But however, since the authorities are taking work from the petitioner against a post of Correspondence Clerk, it would be appropriate for them to consider his grievance for payment of minimum scale, which is available against such a post and pass an appropriate order. With the aforesaid observations/ directions, this writ application is, thus, disposed of.