

Parmeshwar Paswan Vs. State of Bihar and ors.

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Court : Patna

Decided On : Jan-21-2004

Judge : Narayan Roy, J.

Acts : Service Law

Appeal No. : CWJC No. 10175 of 1998

Appellant : Parmeshwar Paswan

Respondent : State of Bihar and ors.

Advocate for Def. : JC to AAG-I

Advocate for Pet/Ap. : S.P. Mukherjee, Sr. Adv.

Judgement :

Narayan Roy, J.

1. Heard counsel for the parties and considered the counter affidavit filed on behalf of the respondents.

2. In the writ application, a prayer has been made for issuance of direction upon the respondents to consider the case of the petitioner for promotion to the post of Subedar with effect from 20th February, 1988 and also for payment of the consequential benefits.

3. In the counter affidavit filed on behalf of the respondents, it is stated that the petitioner has been promoted to the rank of Subedar by the D.G. Selection Board dated 22.6.1999 and his position in the gradation list of Subedar is at serial No. 14 and consequently, benefits would be paid to them from the date he joins the post of Subedar.

4. In view of the statement made in the counter affidavit, learned counsel appearing on behalf of the petitioner submits that one part of his grievance have been redressed, but the consequential benefits pursuant to his promotion to the post of Subedar has not been paid. The respondents have already admitted in the counter affidavit that the petitioner has been promoted to the post of Subedar and consequently benefits will be given to him with effect from the date of joining.

5. Since the claim of the petitioner is almost admitted, the consequential benefits must be paid to the petitioner from the due date of promotion even though he has superannuated by now. The petitioner may represent his case before the authority for payment of monetary benefits with effect from the due date and in case, such a representation is filed by the petitioner before the respondent authority concerned, the same shall be considered and disposed of in accordance with law and necessary consequential benefits will be paid to him accordingly, not later than a period of three months from the date of its filing.

6. With the direction/observation aforesaid, this will application is disposed of.

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