

Birendra Singh Vs. the State of Bihar and ors.

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Court : Patna

Decided On : Mar-20-2007

Judge : Barin Ghosh, J.

Appeal No. : CWJC No. 6798 of 2006

Appellant : Birendra Singh

Respondent : The State of Bihar and ors.

Advocate for Def. : Rajesh Kr. Sinha No. 1, JC to GP 20

Advocate for Pet/Ap. : Vishwanath Rai and Ajay Kumar, Advs.

Disposition : Petition allowed

Prior history : Barin Ghosh, J. 1. Petitioner came to this Court by filing the present writ petition seeking time bound promotions. There is no dispute that the State came up with a policy to accord two time bound promotions to a person, who is stagnant in the same post for a long period of time. The policy of the Government provided that First Time Bound promotion will be accorded after completion of 10 years or with effect from 1st April, 1987, whichever is earlier, and the Second Time Bound promotion will

Judgement :

Barin Ghosh, J.

1. Petitioner came to this Court by filing the present writ petition seeking time bound promotions. There is no dispute that the State came up with a policy to accord two time bound promotions to a person, who is stagnant in the same post for a long period of time. The policy of the Government provided that First Time Bound promotion will be accorded after completion of 10 years or with effect from 1st April, 1987, whichever is earlier, and the Second Time Bound promotion will be accorded after completion of 25 years of service, but in any case not earlier than three years from the date of according First Time Bound promotion.

2. There is no dispute that the petitioner was working as Steam Man in the Workcharge Establishment of the State before he was brought into the Permanent Establishment of the State where also he worked as Steam Man, but the dispute is since when he started discharging the duties of Steam Man. There cannot be any dispute, as it appears from Annexure-3 to the Writ Petition, that originally the petitioner was accorded the status of Steam Man with effect from 2nd January, 1971, which was directed to be treated from 1st October, 1962 by the said Annexure. In the counter affidavit, it has been stated that from 1st October, 1962, the petitioner was promoted to the post of Steam Man in the Workcharge Establishment but the said promotion was effective from 1st April, 1964. In such view of the matter, while the petitioner has been accorded First Time Bound promotion with effect from 1st April, 1981, the Second Time Bound promotion to the petitioner has been accorded with effect from 1st April, 1989. It does not appear from Annexure 3 to the Writ Petition that the promotion of the petitioner in the Workcharge Establishment to the post of Steam Man was to take effect from 1st April, 1964, instead the said Annexure made it absolutely clear that such promotion of the petitioner should be recognised with effect from 1st October, 1962.

3. During the pendency of the Writ Petition, the petitioner, as aforesaid, has been accorded First Time Bound promotion with effect from 1st April, 1981 and also the Second Time Bound promotion with effect from 1st April, 1989 but having regard to the fact that the petitioner completed 25 years of service in the post of Steam Man on 1st October, 1987, he is entitled to Second Time Bound promotion with effect from 1st October, 1987 and not from 1st April, 1989. In those circumstances,

the decision to accord Second Time Bound promotion to the petitioner with effect from 1st April, 1967 is quashed with a direction upon the State to accord Second Time Bound Promotion to the petitioner with effect from 1st October, 1962.

4. Let the consequential benefits pertaining to the aforesaid directions be given to the petitioner within a period of three months from today.

5. The writ petition stands allowed to the extent indicated above.

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