

**Basudeo Narain Vs. State of Bihar and ors.**

**Basudeo Narain Vs. State of Bihar and ors.**

**SooperKanoon Citation :** [sooperkanoon.com/125347](http://sooperkanoon.com/125347)

**Court :** Patna

**Decided On :** Nov-25-2004

**Judge :** Narayan Roy, J.

**Acts :** Service Law

**Appeal No. :** CWJC No. 8601 of 1999

**Appellant :** Basudeo Narain

**Respondent :** State of Bihar and ors.

**Advocate for Def. :** JC to AAG-II

**Advocate for Pet/Ap. :** A.N. Mishra and Ajit Kr., Advs.

**Prior history :** Narayan Roy, J. 1. Heard counsel for the parties and considered the counteraffidavit filed on behalf of the respondents. 2. The petitioner wants parity at par with Sri Sitaram Prasad and Sri Shyam Bihari Tiwari, who are similarly situated to him, for grant of promotion to the post of Secretary to Secretary with effect from 1.3.1995. 3. It is submitted by learned counsel for the petitioner that initially the petitioner was promoted to the post of Secretary with effect from 1.4.1996 and thereafter

**Judgement :**

**Narayan Roy, J.**

1. Heard counsel for the parties and considered the counteraffidavit filed on behalf of the respondents.
2. The petitioner wants parity at par with Sri Sitaram Prasad and Sri Shyam Bihari Tiwari, who are similarly situated to him, for grant of promotion to the post of Secretary to Secretary with effect from 1.3.1995.
3. It is submitted by learned counsel for the petitioner that initially the petitioner was promoted to the post of Secretary with effect from 1.4.1996 and thereafter similarly situated persons, namely, S/Sri Sitaram Prasad and Shyam Bihari Tiwari, were promoted on the same post with effect from 1.3.1995, and, therefore the petitioner filed a representation before the authorities concerned seeking parity in the matter of promotion, but, till date his representation has not been disposed of. It is further submitted that the State respondent in paragraph 5 of the counter-affidavit have admitted the claim of the petitioner and it is stated that when this fact was brought to the notice of the authorities, it was decided that the matter of promotion of the petitioner along with many others would be considered immediately and the same is under active consideration of the Government to promote the petitioner and others from the date of vacancy.
4. Learned counsel for the State, in view of the statement made in paragraph 5 of the counter-affidavit, is not in a position to dispute the claim of the petitioner, rather he says that the matter requires consideration by the State authorities. :
5. Considering the facts and circumstances of the case and in view of the statement made in paragraph 5 of the counter-affidavit, the respondent authorities are directed to take decision in the matter, if already not taken, in regard to grant of promotion to the petitioner at par with the persons, as referred to above, with effect from 1.3.1995 within a period of six weeks from the date of receipt/production of a copy of this order. With the direction/observation aforesaid, this application is disposed of.
6. It is needless to say that in case, claim of the petitioner is allowed, he will be entitled for the consequential benefits.