

Pramod Kumar Sinha Vs. State of Bihar and ors.

Pramod Kumar Sinha Vs. State of Bihar and ors.

SooperKanoon Citation : sooperkanoon.com/138704

Court : Patna

Decided On : Nov-19-2003

Judge : Narayan Roy, J.

Acts : Service Law

Appeal No. : CWJC No. 12444 of 2002

Appellant : Pramod Kumar Sinha

Respondent : State of Bihar and ors.

Advocate for Def. : JC to GP 2

Advocate for Pet/Ap. : Ram Subhash Singh, Adv.

Disposition : Application dismissed

Judgement :

Narayan Roy, J.

1. Heard counsel for the parties.

2. The main grievances of the petitioner is that in grant of promotion, the petitioner has been discriminated, inasmuch as that he has not been given promotion with effect from the date he passed the departmental examination, that is, with effect from 17.3.1974 and not in the same manner as it has been given to respondent

No. 6 with effect from 7.4.1976.

3. It is submitted by learned counsel appearing on behalf of the petitioner that the petitioner has passed his departmental examination on 17.3.1974, whereas respondent No. 6 passed the same on 7.4.1976. So far as respondent No. 6 is concerned, he was promoted with effect from 7.4.1976, but the petitioner though passed the departmental examination on 17.3.1974 and now they are giving promotion to him with effect from 7.4.1976.

4. Learned counsel appearing on behalf of the petitioner, ultimately, submits that the respondents may be directed to give promotion to the petitioner with effect from 17.3.1974 with all consequential benefits.

5. Initially, a prayer was also made to rectify the gradation list prepared earlier restoring the position of the petitioner above respondent Nos. 4, 5 and 6.

6. It appears that the petitioner has already filed his representation for rectification of the gradation list. The matter, therefore, may be pursued by the petitioner separately.

7. But so far the main grievance of the petitioner is concerned, it is not in dispute that the petitioner passed the departmental examination on 17.3.1974, whereas respondent No. 6 passed the same on 7.4.1976. but due promotion was granted to respondent No. 6 with effect from 7.4.1976 denying the same to the petitioner with due date.

8. In paragraph 7 of the supplementary counter affidavit. it is stated that the petitioner has also been promoted in the same manner as has been done in the case of respondent No. 6 and notification has already been issued to promote the petitioner with effect from 7.4.1976 itself.

9. Since the petitioner passed the departmental examination on 17.3.1974 his case could have been considered giving promotion to him with effect from the date of passing of the examination, as it has been done in the case of respondent No. 6.

10. In that view of the matter, the authorities concerned are directed to consider the case of the petitioner afresh for giving him promotion with effect from the date he passed the examination in the light of the observation made above. This exercise however, must be completed by the authorities within a period of eight weeks from the date of receipt/production of a copy of this order. The authority in case fixes the seniority of the petitioner with effect from 17.3.1974 the consequential benefits will also be given to him in accordance with law.

11. With the directions/observations made above, this application is disposed of.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com