
(2013) 06 JH CK 0018
In the Jharkhand High Court
Case No : WP (S) No. 4771 of 2004

Amar Nath Jha

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 20-06-2013

Acts Referred:

Citation : (2013) 4 AJR 704 : (2013) 3 JLJR 465

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Delip Jerath, R. Kumar, V.K. Vashistha and Amit Kumar, for the Appellant; Ramit Satender for the Respondent No. 4, for the Respondent

Judgement

S. Chandrashekhar, J.—The present writ petition has been filed seeking direction upon the respondents to consider the case of the petitioner for grant of Junior Selection Grade and Senior Selection Grade with effect from the date the junior to the petitioner had been granted such scale and also for a direction upon the respondents to consider the case of the petitioner for promotion from the post of Assistant to the post of Section Officer with effect from 10.10.1996 that is, the date on which the juniors to the petitioner were promoted. A counter-affidavit has been filed on behalf of the respondent Nos. 2 & 3 in which it has been stated that the claim of the petitioner was considered and he was not found fit for promotion. The petitioner has superannuated from the service with effect from 30th September, 2007 and therefore, in this case Departmental Pro-motional Committee which was held on 3.1.2008, the case of the petitioner for promotion to the post of Section Officer was not considered. In paragraph Nos. 6(iv) & 6(vi) of the counter-affidavit filed on behalf of the respondent Nos. 2 & 3, a stand has been taken which is reproduced below:--

6(iv). That the petitioner has prayed to grant promotion on the post of Section Officer with effect from the date on which his junior has been promoted. In this regard, the answering Respondent states that the Govt. of Bihar has made it clear vide Oath No. 6988 dated 9.11.06 in Para-10 that the promotion matter of

the concerned Petitioner alongwith the others on the basis of Gradation List of 2001 was considered by departmental promotional committee consolidated in respect of Personnel of Bihar and Jharkhand State. both in its meeting dated 25.9.01, 21.12.01 and 17.1.02. On account of allegation pending against the Petitioner, departmental promotional committee kept the Petitioner's promotion pending with a post being reserved for him in all the aforesaid three meetings. Hence, the Petitioner was not granted promotion to the post of Section Officer.

6(vi). That the first departmental promotional committee meeting held in the State of Jharkhand on 23.9.2004 considered the promotion matter of the Petitioner alongwith others and found him unfit for promotion as a penalty of "Censure" was imposed upon the Petitioner. The Petitioner superannuated on 30.9.2007 as his date of birth is 5.9.1947. Further, next meeting of departmental promotional committee was held on 3.1.2008 and since, the Petitioner had retired from the Govt. Service on 30.9.2007, hence, the matter of his promotion to the post of Section Officer was not considered by the Departmental Promotional Committee.

2. In view of the aforesaid factual aspect, I am not inclined to interfere In this matter. Accordingly, the writ petition is dismissed.