
(2012) 04 JH CK 0138
In the Jharkhand High Court
Case No : C.W.J.C. No. 4418 of 2000

Bidhi Chandra Ram and Ram Chandra Paswan	APPELLANT
Vs	
The State of Bihar and Others	RESPONDENT

Date of Decision : 10-04-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 04 JH CK 0138

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Advocate : Suresh Kumar, for the Appellant; Ranjit Kumar, Advocate for the State of Bihar and Mr. Abir Chatterjee, Advocate for the State of Jharkhand, for the Respondent

Judgement

P.P. Bhatt, J.—Heard the learned counsel for the petitioners as well as learned counsel for the State. Perused the papers.

2. The petitioners by way of the present petition under Article 226 of the Constitution of India, are claiming the effect of promotion from 04.05.1990, as it has been given to other officers, who were junior to the petitioners.

3. It is the case of the petitioners that the Respondents-authorities did not consider the case of the petitioners for grant of promotion to the post of Inspector of Police and therefore, the petitioners approached the Patna High Court by filing C.W.J.C. No. 7869 of 1997. Thereafter, in view of the order passed by the Patna High Court, the Respondent-authority by its order dated 28th June, 1999, considered the case of the petitioners for grant of promotion and given the promotion with effect from the date of joining to the promotional post. It is the case of the petitioners that the junior officers, who have been promoted to the post of Inspectors, have been given effect from 04.05.1990, whereas in the case of the petitioners, no such effect has been given.

4. The learned counsel for the petitioners referred to and relied upon the order

passed in C.W.J.C. No. 9878 of 1998, wherein, while allowing the petition, the Respondents-authorities were directed to pay the consequential benefits to the petitioners on account of his promotion with effect from 20th August, 1994, considering the provision of Rule 58 of the Bihar Service Code by holding that the said Rule will not come in the way of the petitioners. The learned counsel for the petitioners has also invited attention of this Court to the fact that the Hon''ble Patna High Court has taken note of the judgment rendered in the case of Rana Raghunath Prasad Singh -versus-State of Bihar and others reported in 1993 (1) PLJR 519 while passing order in C.W.J.C. No. 9878 of 1998.

5. The learned counsel for the State fairly submitted that necessary direction may be issued to the concerned authorities of the Respondents to consider the case of the petitioners in view of the order passed by the Hon''ble Patna High Court in C.W.J.C. No. 9878 of 1998.

6. In the light of the above position, so far as the petitioner no. 1 is concerned, the concerned authorities of the Respondent-State of Jharkhand shall consider and take a decision and so far as the case of the petitioner no. 2 is concerned, the concerned authority of the Respondent-State of Bihar shall consider and take a decision in the light of the order passed passed by the Hon''ble Patna High Court in C.W.J.C. No. 9878 of 1998 as well as the judgment rendered in the case of Rana Raghunath Prasad Singh-versus-State of Bihar and others reported in 1993 (1) PLJR 519. With the aforesaid observations and directions, this writ petition stands disposed of.