

(2012) 11 JH CK 0036

In the Jharkhand High Court

Case No : Writ Petition (S) No. 5828 of 2012

Braj Mohan Kumar

APPELLANT

Vs

The State of Jharkhand, The Principal Secretary, Water Resource Department, Government of Jharkhand, Ranchi, The Principal Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand, Ranchi and The Special Secretary, Water Resource Department, Government of Jharkhand, Ranchi

RESPONDENT

Date of Decision : 07-11-2012

Acts Referred:

Citation : (2012) 11 JH CK 0036

Hon'ble Judges : Alok Singh, J

Bench : Single Bench

Advocate : Amrendra Sharan and Mr. Sujit Narayan Prasad and Mr. Sourabh Shekhar, for the Appellant; Ajit Kumar, AAG, Vikash Kumar, J.C. to AAG, for the State, for the Respondent

Judgement

Alok Singh

1. Mr. Amrendra Sharan, learned Senior Advocate, while referring to the order dated 31.08.1996 (Annexure- 1 to the writ petition), submits that petitioner was promoted to the post of Executive Engineer, pursuant to the recommendation dated 17.11.1995. He further contends that after the appointed day, petitioner was allocated to the State of Jharkhand as a permanent Executive Engineer. Mr. Sharan further contends that having considered the objections, respondents have finalised the seniority list of Executive Engineers of the Water Resource Department, vide order dated 15.02.2008 (Annexure- 3 to the writ petition) and as per the final seniority list, petitioner's name figures at Serial No. 67. He further contends that respondents have issued arbitrary and illegal order dated 23.08.2012 (Annexure- 8 to the writ petition), keeping the seniority list dated 15.02.2008 in abeyance and, thereafter, have issued another proposed seniority list contending that it has been issued in compliance of this Court's order made

in Civil Review No. 7 of 2008 and Civil Review No. 10 of 2008, showing the petitioner as Assistant Engineer, while, in fact, petitioner was never allocated to the State of Jharkhand as Assistant Engineer and has never worked as Assistant Engineer in the State of Jharkhand. Mr. Sharan further argues that in Civil Review No. 7 of 2008 and Civil Review No. 10 of 2008, there is no direction to reconsider the final seniority list dated 15.02.2008. He further submits that despite Departmental Promotion Committee (DPC) has found the petitioner fit to be promoted as Superintending Engineer, petitioner's case for promotion as Superintending Engineer is not being considered because of issuance of impugned proposed seniority list. On the other hand, Mr. Ajit Kumar, learned A.A.G., submits that provisional seniority list dated 04.06.2012 contains the names of all the engineers, who are working either as Chief Engineer or Superintending Engineer or Executive Engineer or Assistant Engineer, showing all of them as Assistant Engineers. He further submits that petitioner, if so advised, may file his objection against the proposed seniority list and appropriate order may be passed thereon before finalising the seniority list.

2. Mr. Sharan contends that petitioner has already filed his objection to the impugned proposed seniority list. Since seniority list in question is only a proposed seniority list, therefore, in the opinion of this Court, this case may be disposed of at this stage with a direction that objections filed by the petitioner and others shall be considered before finalising the seniority list, preferably within 60 days from today. The seniority list shall be finalised strictly in accordance with law and the State Government shall also ensure that no junior to the petitioner shall be shown senior to him. It is further provided that recommendation of the Departmental Promotion Committee (DPC) should not be kept pending for long and decision thereon shall be taken, preferably within four weeks thereafter.