

(2000) 12 GAU CK 0015
In the Gauhati High Court
Case No : Civil Rule No. 2100 of 1995

Chayan Dasgupta

APPELLANT

Vs

State of Arunachal Pradesh and Others

RESPONDENT

Date of Decision : 13-12-2000

Acts Referred:

Citation : (2001) 2 GLT 84

Hon'ble Judges : J.N. Sharma, J

Bench : Single Bench

Advocate : H.N. Sarma and B.D. Goswami, for the Appellant; B.R. Dey, M. Talukdar and A.K. Choudhury, for the Respondent

Final Decision : Allowed

Judgement

J.N. Sarma, J.—This application has been filed by an employee of the Arunachal Pradesh State Cooperative Apex Bank Limited (respondent No.2). The grievance of the petitioner is that though he was eligible for promotion, his case for promotion has not been considered by the authorities. Earlier, the petitioner was removed from service and that order being found illegal, this Court in Civil Rule No. 1387/88 quashed the said order of termination and subsequently the order passed by the Single Judge was upheld in Writ Appeal No. 133/93. Thereafter, the petitioner was reinstated in service. The only ground taken by the respondent No.2 - Bank in this Civil Rule is that the case of the petitioner for promotion was not considered as earlier he was removed from service. That cannot be a ground inasmuch as right to be considered for promotion is fundamental right if he comes within the zone of consideration and the Apex Court has also laid down laws to that effect in Lt. Governor of Delhi and others Vs. Const. Dharampal and others, (Para-5) that if a person is reinstated in service and if there is no specific orders from the Court depriving of any benefit on reinstatement, the person concerned shall be entitled to seniority, promotion and retrial benefits. The entire period between termination and reinstatement cannot be wipped out or ignored by the authorities. In the case of Dayaram

Dayal Vs. State of M.P. and another [OVERRULED], (para-16) the Supreme Court pointed out that if a person is reinstated in service by virtue of an order passed by the Court and if there is nothing in the order of the Court depriving service benefits, he will be entitled to all consequential benefits. That being the position of law, this writ petition is allowed and the respondent Nos. 2, 3 and 4 are directed to consider the case of the petitioner for promotion. The prayer for promotion shall be considered preferably within a period of four months from the date of receipt of a certified copy of this order from the petitioner.