
(2011) 07 JH CK 0036

In the Jharkhand High Court

Case No : Writ Petition (S) No. 665 of 2007

Dr. Elvina Sheetal

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 28-07-2011

Acts Referred:

Citation : (2011) 07 JH CK 0036

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the Petitioner has prayed for a direction on the Respondents to consider the Petitioner's claim for promotion on the post of Director In charge, at least with effect from 16th September, 2006, the date from which junior to her, namely, Dr. Anup Kumar Singh had been promoted on the post of Director In charge, Administration and Training.

2. When this case is taken up today, learned Counsel for the Petitioner submitted that the Petitioner has retired on attaining the age of superannuation on 31st March, 2007.

3. Learned J.C. to Sr. S.C.II, appearing on behalf of the State, submitted that the Petitioner has claimed her seniority and posting on the ground that Dr. Anup Kumar Singh was junior to her and he was made Director In charge. Since she is no more in service, there is no question of posting her as Director In charge. It is an admitted fact that financial benefit for the post of Director In charge was not given to the said Dr. Anup Kumar Singh. In that view, the Petitioner has no ground to claim any monetary benefit or has no basis to allege any discrimination in payment of salary. As such, the writ petition has become infructuous.

4. I find substance in the submission of learned Counsel for the State. It is an admitted that Dr. Anup Kumar Singh, who is said to be junior, was made

Incharge Director and that he was not given the pay scale of that post. Since the Petitioner has retired, she cannot be made In charge Director. In that view this writ petition has become infructuous.

5. Accordingly, this writ petition is dismissed being infructuous.