
(2005) 02 JH CK 0045
In the Jharkhand High Court
Case No : Writ Petition (S) No. 424 of 2005

Dwarika Prasad

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-02-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 1 ACC 188 : (2005) 2 JCR 6

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.

Bench : Single Bench

Advocate : S.N. Prasad, for the Appellant; Suresh Kumar, JC to AAG, for the Respondent

Judgement

S.J. Mukhopadhaya, A.C.J.

1. This petition has been preferred by petitioner for direction on the respondents to consider his case for grant of higher grade in terms with Assured Career Progression Scheme as was allowed by the State Government vide Order No. 351 dated 16th December, 2004.

2. According to petitioner, he was appointed as Personal Assistant on 6th October, 1976 but has not been granted any regular promotion to the higher post/grade. Thus, he is entitled for first higher grade on completion of 12 years and second next higher grade on completion of 24 years of service under Assured Career Progression Scheme.

3. Counsel for the petitioner submitted that the service career of the petitioner is unblemished and for that correspondences were also made and representations given by the petitioner from time to time as contained in Annexure-9.

4. Having heard the counsel for the parties, as the matter requires determination firstly by the respondents, instead of asking the respondents to file counter affidavit, the case is remitted to them for decision on merit.

5. The petitioner will file a representation before the Secretary, Personnel, Administrative Reforms and Rajbhasha Department, Government of Jharkhand, Ranchi, who will enquire into the matter and decide the claim by a reasoned order, within four months from the date of receipt/ production of a copy of this order. If so required, the case of the petitioner may be placed before the appropriate Selection Committee/Departmental Promotion Committee.

6. It is needless to say that the authority will act as per the decision as may be taken.

7. However, if any adverse decision is taken, the respondents will communicate the ground to the petitioner.

8. This writ petition stands disposed of, with the aforesaid observations/ directions.