

(2004) 09 PAT CK 0070
In the Patna High Court
Case No : C.W.J.C. No. 7054 of 1999

Ganga Sagar Chaube

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 10-09-2004

Acts Referred:

Citation : (2005) 1 PLJR 71

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Advocate : Teg Bahadur Singh and Minu Kumari, for the Appellant; S.J. Rahman, for the Respondent

Judgement

V.N. Sinha, J.—Learned counsel for the State respondents has filed two counter affidavits, one on behalf of respondents 2 and 4 and other on behalf of respondent No. 5. Both the counter affidavits are taken on record. Heard learned counsel for the petitioner and the State.

2. The petitioner has filed this application for a direction to the respondent authorities to consider his case for promotion on the post of Sub-Inspector of Police with effect from the date his juniors have been so promoted.

3. Two counter affidavits have been filed on behalf of the State respondents. Perusal of those counter affidavit indicates that the case of the petitioner was considered for promotion in the year 1994 but he was not found fit for promotion as at that time two departmental proceedings were pending against him. Later, in one of those proceedings he was exonerated of the charges leveled against him but in the other departmental proceeding punishment of one black mark was imposed against him. Against the punishment of one black mark the petitioner filed an appeal before the Deputy Inspector General of Police, Saran Range who under his orders dated 16.7.1998 as contained in annexure 3 exonerated the petitioner of the charges leveled against him and consequently also quashed the punishment order of one black mark imposed against the petitioner. As of date

the petitioner stands exonerated of the charges leveled against him, as such, the authorities are obliged to reconsider his claim for promotion with effect from the date his juniors have been allowed promotion.

4. I accordingly direct the Director General of Police, Bihar, respondent No. 2, to consider the case of the petitioner for promotion to the post of Sub-Inspector of Police within a period of three months from the date of receipt/production of a copy of this order. This application is accordingly disposed of but without cost.