
(2010) 11 JH CK 0011

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4973 of 2010

John Anil Malto and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 25-11-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 1 JCR 222 : (2011) 2 JLJR 8

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—Heard learned Counsel appearing for the Petitioners and learned Counsel appearing for the State.

2. learned Counsel appearing for the Petitioners submits that the Petitioners have invoked the extraordinary jurisdiction of this Court as enshrined under Article 226 of the Constitution of India for a direction to the authority to consider the case of the Petitioners for promotion to the post of Executive Engineer.

3. learned Counsel appearing for the Petitioners submits that the Petitioners, who were appointed as Assistant Engineer in the year 1995 in Water Resources Department have been holding current charge of Executive Engineer since last 5-6 years. Now they have also been given current charge of Superintending Engineer which they are discharging to full satisfaction of the authorities. Still their case for regular promotion is being not considered, though after 8 years of entering into the service as Assistant Engineer, the Government as per the Circular No. 5993 dated 6.4.1972 should have considered the case of the Petitioners for promotion to higher post but the authority by ignoring that Circular is only assigning current charge to these Petitioners of the Executive Engineer and even of Superintending Engineer.

4. learned Counsel in this respect further submits that earlier when this Court took cognizance of the fact that Assistant Engineers of course of other

departments in stead of giving regular promotion are being given current charge of the post of Executive Engineer and the Superintending Engineer, directed the State Government to consider the case of those persons for regular promotion.

5. learned Counsel in this respect has referred to a decision rendered in a case of Nand Kumar Ram and Ors. v. State of Jharkhand and Ors. 2006 (1) JLJR 443.

6. The factual aspect as pointed out above could not be controverted on behalf of the State.

7. In view of the facts and circumstances, this application is disposed of with a direction to the Respondents concerned to take decision in the matter of promotion of the Petitioners to the higher post within a period of four months from the date of receipt/production of a copy of this order.