
(2004) 09 PAT CK 0063
In the Patna High Court
Case No : C.W.J.C. No. 5085 of 1999

Kanhaiya Lal Pandey

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 10-09-2004

Acts Referred:

Citation : (2004) 4 PLJR 378

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Teg Bahadur Singh, for the Appellant;

Judgement

Narayan Roy, J.—Heard counsel for the parties. The petitioner confines his prayer only for his promotion to the post of Sub-Inspector of Police (Transport).

2. It is submitted by learned counsel for the petitioner that by virtue of the order, as contained in annexure 1, the petitioner was notified for the promotional post of Sub-Inspector of Police (Transport), though a decision in the matter was taken by the Departmental Promotion Committee in its meeting dated 31.8.1998. It is further submitted that the order of promotion, however, has been kept in abeyance on the ground of punishment inflicted upon the petitioner on 28.9.1998. Learned counsel further contended that since the case of the petitioner was considered much prior to the date of punishment, the same should not be kept in abeyance, as for the subsequent events the petitioner has been found guilty.

3. Learned counsel for the State submitted that in view of the subsequent order of punishment, the order of promotion, so far the petitioner is concerned, could not be implemented.

4. There is nothing on record to show that before the petitioner was considered for promotion and promotion was granted to him, he was facing any departmental proceeding or he was ever punished.

5. The subsequent events, in that view of the matter, would not come in the way of the petitioner to get promotion, for which he was already considered earlier.
6. In this connection, reference may be made to the case of Awadh Bihari Thakur Vs. State of Bihar and Others, .
7. Considering the facts and circumstances of the case and in view of the legal proposition, noticed above, the respondent authorities are directed to implement the order of promotion, so far the petitioner is concerned, forthwith and not beyond a period of six weeks from the date of receipt/production of a copy of this order and pay the consequential benefits to him in accordance with law. With the direction/observation aforesaid, this application is disposed of.