
(2003) 12 PAT CK 0073

In the Patna High Court

Case No : CWJC No. 11200 of 2002 and MJC No. 181 of 1998

Rabindra Nath Chakravorty and Another

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 03-12-2003

Acts Referred:

Citation : (2004) 1 BLJR 1 : (2004) 3 PLJR 82

Hon'ble Judges : R.S. Garg, J

Bench : Single Bench

Advocate : R.C.P. Bharti, V.S. Shrivastava, for the Appellant; J.D. Singh, GPI and Madhukar Mishra in CWJC No. 11200/2002, Sanjay Kumar, Ajay Behari Sinha and Sanjeev Kumar, for the Respondent

Judgement

R.S. Garg, J.—This order shall dispose of CWJC No. 11200/2002 (Rabindra Nath Chakravorty v. The State of Bihar and Ors.) and MJC No. 181/1998, Satish Kumar Pandey v. The State of Bihar and Ors.. In MJC No. 181/1998)

Heard learned counsel for the parties.

2. in CWJC No. 11200/2002 the petitioners have prayed for issuance of a command directing the respondents to promote the petitioners from the rank of class IV to the rank of class III post and further asking the respondents not to fill up class III posts by making temporary appointments.

3. In MJC No. 181/1998 which in fact is a matter relating to contempt of the Court, the petitioners have submitted that despite mandatory directions issued by this Court no recommendations have been made nor any payment has been made by the State Government, therefore, the concerned officers/authorities be punished in accordance with law.

4. In MJC No. 181/1998 it was submitted by the State authorities that the matter was already referred to Bihar Karamchari Chayan Ayog and immediately after the recommendations are received from the said Ayog the appointment process

would be started. As the petitioners of each of the case were apprehensive that if a long rope is given to the Karamchari Chayan Ayog, the things would not see the light of the day. This Court asked the Chairman/President of the Bihar Kararnchari Chayan Ayog to file his personal affidavit that within what time the process would be completed and the recommendations would be sent.

5. Shri Phool Singh, Chairman, Bihar Kararnchari Chayan Ayog, Patna through his counsel has submitted his affidavit dated 2.12.2003 giving the calendar of the particular events to take place in future and the date on which the recommendations would be made. According to the said affidavit, the advertisement has already been published on 16.11.2003 and thereafter particular steps are to be taken before the recommendations are made. According to him, the recommendations would be made to the State Government latest by 31.7.2004.

6. In view of the said submission made on oath by the Chairman, Bihar Kararnchari Chayan Ayog, I do not think that these two matters are required to be kept pending. The proceedings in MJC No. 181/1998 are closed in view of the assertions made by the State Government that immediately after the recommendations are received, they would start making appointments. So far as the proceedings in CWJC No. 11200/2002 are concerned, those also are not required to be kept pending because the petitioners' grievances that their cases for promotion were not being taken up and the respondents were making temporary/ad hoc appointments would not survive. Once the respondents have said that they will make the appointment through the help and assistance of the Bihar Kararnchari Chayan Ayog then no apprehensions should survive in the minds of class IV employees. The proceedings in CWJC No. 11200/2002 are also closed.

7. In accordance with the affidavit submitted by the Chairman, Bihar Kararnchari Chayan Ayog, he is hereby directed to conclude the process and make the recommendations to the State Government upto 31.7.2004. In case he finds the same to be difficult then he may make an application for extension of time. In case there appears to be a foul play then the petitioners would be entitled to make an application for revival of these proceedings.