
(2015) 04 JH CK 0106

In the Jharkhand High Court

Case No : Writ Petition (S) No. 4231 of 2014

Rajeev Ranjan Kumar

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 13-04-2015

Acts Referred:

Citation : (2015) 3 AJR 49

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Rahul Kumar, for the Appellant; Vaibhav Kumar, JC to AG, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Aparesh Kumar Singh, J—Heard learned counsel for the parties. The petitioner, who is a member of the Jharkhand State Administrative Service, was promoted to the post of Sub-Divisional Officer by Notification dated 22nd October, 2009, Annexure 3 in the scale of pay of Rs. 15,600-39,100/- with Grade Pay of Rs. 6600. He however was posted on the substantive post only on 16.6.2012 vide Annexure 6 as Assistant Director in the Social Welfare Directorate, an equivalent post. According to the petitioner, the resolution No. 3282 dated 4-4-2014 of the Department of Personnel Administrative Reforms and Rajbhasha, Government of Jharkhand, which prescribes the length of service/Kalawadhi and its relaxation for consideration to be promoted to the next higher post, was not in conformity with the Government of India Office Memorandum dated 24-3-2009, Annexure-2, as the period of service to be reckoned for next higher promotion required that a person should have been actually posted in the promoted post for at least half of the period i.e. 5 years in the instant case to be eligible for consideration.

2. The petitioner was in the grade pay of Rs. 6600/- upon being substantially promoted vide Annexure 3, the notification dated 22nd October, 2009 and on being promoted to the post of Additional Collector he would be in the grade of pay of Rs. 7600/- which requires minimum period of five years either on the

substantive post or counted together with the post lower to that post. That means he should have been substantially posted on the post having grade pay of Rs. 6600/- for at least two and half years. This, according to the petitioner, had resulted in discrimination vis-a-vis similarly situated persons as juniors to him who were promoted by the same order dated 22-10-2009 along with him have got promotion to the higher post of Additional Collector by notification dated 8-8-2014, Annexure-13 as they were posted on substantive promoted post of Sub-Divisional Officer much before him. In such circumstances, the petitioner had assailed part of the resolution dated 4-4-2014 Annexure-9 and also made a prayer for commanding the respondents to consider his claim for promotion as Juniors to him have been promoted.

3. According to the petitioner, now the main grievance of the petitioner relating to challenge to the part of the notification dated 4-4-2014 has been rendered infructuous in view of resolution dated 20-3-2015 issued by the Personnel and Administrative Reforms Department, Government of Jharkhand, brought on record as Annexure 1A/1 to the I.A. No. 2025/2015. Therefore, he has made a prayer for directing the respondents to consider his case for grant of promotion to the next higher substantive post, as now in view of the resolution dated 20-3-2015, the period of service is to be reckoned from the date of notification of promotion and not from the date of posting to the substantive post provided that the delay in posting of the incumbent is not on account of fault of the person concerned.

4. Counsel for the respondent-State submits that in view of the notification now brought on record by the petitioner himself, this writ petition appears to have been rendered infructuous. The petitioner may now pursue his claim for promotion from the date claimed before the competent authority under the respondents in accordance with law.

5. Having regard to the aforesaid facts and the submissions recorded hereinabove, this writ petition can be disposed of in view of the subsequent resolution dated 20.3.2015 of the Personnel, Administrative Reforms Department by allowing the petitioner to approach the competent authority under the Personnel Department/respondent No. 3, the Principal Secretary, Department of Personnel, Administrative Reforms, Ranchi for consideration of his case for promotion to the next higher post in accordance with law. The petitioner may also indicate in the representation the factum relating to promotion of officers junior to him earlier by Annexure-13, dated 8-8-2014 as per the unamended resolution dated 4-4-2014. Needless to say that on receipt of such representation duly supported with all necessary facts and documents, the respondents should take a decision in accordance with law within a reasonable period after due compliance of the procedural formalities. This writ petition and the IA. No. 2025/2015 accordingly stand disposed of.