

(2007) 12 PAT CK 0015
In the Patna High Court
Case No : CWJC No. 6938 of 2000

Ram Chandrika Sharma

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 19-12-2007

Acts Referred:

Citation : (2008) 1 PLJR 735

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

Bench : Single Bench

Advocate : Jyoti Saran, Nadim Seraj, Rakesh Kr. Singh, for the Appellant;
Prasoon Sinha, for the Respondent

Judgement

V.N. Sinha, J.—Heard learned counsel for the parties. Petitioner, who superannuated while serving as Inspector of Police with effect from 31.1.1999, has filed this writ application assailing the proceedings of the Departmental Promotion Committee taken on 10.7.2000, Annexure-11, whereunder his claim for promotion on the post of Dy. S.P. has been rejected as he stood superannuated with effect from 31.1.1999.

2. It is submitted on behalf of the petitioner that he was claiming promotion on the post of Dy. S.P. with effect from 1.6.1994, the date on which his junior, Ramashray Singh was considered and so promoted. In the circumstances, according to the counsel for the petitioner, his case was required to have been considered with effect from 1.6,1994 when he was very much in service and as such the ground taken in the impugned recommendation dated 10.7.2000 is absolutely non est in view of the orders of this Court dated 12.10.1999, passed in CWJC No. 7365 of 1998 (Ram Chandrika Sharma vs. State of Bihar & Ors.) as contained in Annexure-9 to this application.

3. Learned counsel for the State has opposed the prayer as according to him the order passed by this Court in the case of Ramashray Singh directing the State respondents to consider his case for promotion on the post of Dy.S.P. with effect

from 1.6.1994 has been challenged by filing L.P.A. No. 120 of 1996 and in the said L.P.A., although the prayer for stay has been refused, but since the grant of promotion to aforesaid Ramashray Singh with effect from 1.6.1994 is sub-judice before the Division Bench, it would not be prudent for this Court to direct for grant of similar relief in the case of petitioner.

4. Having heard counsel for the parties, I am of the view that decision on the controversy raised in this application should await until disposal of L.P.A. Nos. 120 of 1996 and 92 of 2000, which have been filed against the order passed in favour of the petitioner and, accordingly, direct that no sooner aforesaid two L.P.As. are disposed of, the State respondents in compliance of the orders of this Court in the two L.P.As. would be duty bound to consider the case of the petitioner for promotion on the post of Dy. S.P. with effect from the due date with consequential benefits. This application is, accordingly, disposed of.