

(2003) 11 PAT CK 0080
In the Patna High Court
Case No : CWJC No. 9763 of 1998

Ram Naresh Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 21-11-2003

Acts Referred:

Citation : (2004) 1 BLJR 35 : (2004) 1 PLJR 481

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : Teg Bahadur Singh, Dharmendra Kumar, P. Kumar and M. Kumari, for the Appellant; JC to AAG I, for the Respondent

Final Decision : Dismissed

Judgement

Narayan Roy, J.—The petitioner in sum and substance seeks direction upon the respondents to consider his case for promotion in the rank of senior selection grade of Dy. S.P. with effect from 15.7.1982 and to give him the consequential benefits.

2. It is submitted by learned counsel appearing on behalf of the petitioner that a punishment of reduction of increment was inflicted upon the petitioner vide order dated 20.6.1998 and the said punishment now has lost its force in view of Clause 3 of Rule 726 of the Bihar Police Manual and the petitioner, therefore, is now eligible for consideration for promotion, as claimed by him.

3. It appears from the pleadings of the parties that the petitioner after infliction of the punishment superannuated with effect from 31.8.1998.

4. Since the order of punishment has lost its force, the petitioner now is to be considered notionally for promotion in accordance with law. The fact that the petitioner has superannuated and the order of punishment has lost its force is not in dispute.

5. Considering the facts and circumstances of the case, therefore, the

respondents are directed to consider the claim of the petitioner for his promotion in accordance with law though notionally within a period of three months from the date of receipt/production of a copy of this order.

6. With the direction/observations made above, this application is disposed of.