
(2002) 08 JH CK 0066
In the Jharkhand High Court
Case No : CWJC 762 of 2000 (R)

Ramawtar Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 02-08-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 50 BLJR 1753 : (2002) 95 FLR 652

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : V. Shivnath, Anita Sinha, A.L. Topno, Birendra Kumar and S. Topno, for the Appellant; P. Modi, G.P.I., for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—Petitioner seeks direction upon the respondents to consider his case for promotion to the post of Labour Superintendent in terms of the Bihar Labour Service (General) Rules, 1969. The grievance of the petitioner is that as per Rule 6 of the aforesaid rule 50% post has to be filled up by appointment through promotion and the respondents are bound to consider the case of the petitioner while filling up the said post. It is contended that the persons junior to the petitioner were considered for promotion but despite representation filed by him, respondents did not take any step to consider the case of the petitioner for promotion.

2. In the counter affidavit, it has been categorically stated by the respondents that 50% vacant posts of Labour Superintendent has been filled up in terms of the aforesaid rules by appointment through promotion in seniority from the post of Labour Enforcement Officer, Labour Welfare Officer and Statistical Inspector. The respondents have taken steps for promotion of 39 employees of different cadre to the post of Labour Superintendent. It is contended that according to seniority candidates upto seniority No. 120, were called for consideration. Since the petitioner stands at serial No. 140, in the seniority list his case was not

considered for promotion. This fact has not been controverted by the petitioner by filing any rejoinder to the counter-affidavit.

3. In my opinion, since the respondents are considering the case of the persons according to seniority for promotion to the post of Labour Superintendent, no illegality is being done by the respondents. Moreover, petitioner cannot claim promotion as a matter of right but needless to say that when his turn will come, respondents will be bound to consider his case also for promotion to the said post.

4. For the reasons aforesaid, no relief can be granted to the petitioner at this stage. this writ application is accordingly dismissed.