

(2016) 11 JH CK 0019
In the Jharkhand High Court
Case No : Writ Petition (S) No. 4182 of 2014

Sandeep Kumar	Vs	APPELLANT
State of Jharkhand		RESPONDENT

Date of Decision : 10-11-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2017) 2 JCR 593

Hon'ble Judges : Shree Chandrashekhar, J.

Bench : Single Bench

Advocate : A.K. Sahani, Advocate, for the Petitioner; Vishal Kr. Singh, JC to SC (L & C), for the Respondent

Final Decision : Allowed

Judgement

Shree Chandrashekhar, J.—Prayer in the writ petition is, for a direction for promotion to the post of Assistant Engineers (Mechanical) with all consequential benefits.

2. Heard.

3. The learned counsel for the petitioners submits that similarly situated persons have been granted promotion to the post of Assistant Engineers (Mechanical) whereas, the petitioner's case remained pending on account of enquiry by Central Bureau of Investigation into the appointments made during the year, 2007.

4. The petitioners have filed a supplementary-affidavit bringing on record a copy of order dated 20.10.2016, whereby services of some of the petitioners have been confirmed with effect from 20.11.2010.

5. The stand taken during the course of argument is that some of the Junior Engineers appointed in the year 2007 have been granted promotion to the post of Assistant Engineers (Mechanical), however, I find that the case of the

petitioners stand on different footing. It is an admitted position that the petitioners' appointment was under cloud and there was an enquiry by the Central Bureau of Investigation. In the counter-affidavit filed by the respondent-State, a stand has been taken that the petitioners' services were not regularised and therefore, they were not considered for promotion. In view of order dated 20.10.2016, some of the petitioners, now, have become eligible for consideration for promotion to the post of Junior Engineers.

6. Accordingly, it is ordered that promotion to all 2007-appointment Junior Engineers shall be considered together, in accordance with law, however, subject to the just exceptions.

7. The writ petition stands allowed, to the aforesaid extent. Writ allowed.