

(2022) 01 JH CK 0015
In the Jharkhand High Court
Case No : Writ Petition (S) No. 93 Of 2022

Sanjay Kumar Upadhyay

APPELLANT

Vs

State Of Jharkhand And Others

RESPONDENT

Date of Decision : 25-01-2022

Acts Referred:

Citation : (2022) 01 JH CK 0015

Hon'ble Judges : Dr. S. N. Pathak, J

Bench : Single Bench

Advocate : Ravi Kumar Singh, Devarshi Mondal

Final Decision : Disposed Of

Judgement

Dr. S. N. Pathak, J

1. Learned counsel for the petitioner submits that defects as pointed out by the office have already been removed.

2. The petitioner has approached this Court with a prayer for quashing of letter as contained in Memo No. 6752 dated 24.12.2020 (Annexure-9) issued

under the signature of Principal Secretary, Personal Administrative Reforms and Rajbhasha Department, Jharkhand, Ranchi, whereby and

whereunder promotions in all departments of the State Government have been stayed with immediate effect till further orders. Further, prayer has

been made for a direction upon the respondents to immediately and forthwith hold the meeting of Departmental Promotion Commiee, which is not

being held due to the said Annexure-9 and consider the case of the petitioner for promotion to the posto f Project Manager.

3. At the very outset, Mr. Ravi Kumar Singh, learned counsel argues that as the issue involved in this writ petition is now no more res integra and this

writ application is squarely covered by the order dated 13.01.2022 passed in W.P. (S) No. 1390 of 2021 and other analogous cases by this Hon'ble

Court and as such, this case may be disposed of in terms of orders passed in the aforesaid case. Learned counsel further argues that since the

impugned order has already been quashed and set aside, a direction may be given upon the respondents to consider the case of the petitioner for promotion.

4. No counter-affidavit has been filed on behalf of the respondents. However, learned counsel appearing on behalf of the respondents very fairly

submits that issues involved in this writ petition has already been decided by this Hon'ble Court in W.P.(S) No.1390 of 2021 and other analogous

cases and if the case of the petitioner is found same and similar to the cases of the petitioners in W.P.(S) No.1390 of 2021 and other analogous cases,

the present petitioner is also entitled for the same benefits.

5. In view of the fair submissions made by the learned counsel for the parties, this Court is of the considered view that since the impugned order dated

24.12.2020 has already been quashed and set aside by this Court vide order 13.01.2022 passed in W.P.(S) No.1390 of 2021 and other analogous

cases, there is no requirement for passing a fresh order on the same impugned order.

6. Under such circumstances, let the present writ petition be treated as a representation of the petitioner and the petitioner is directed to approach the

respondents with a copy of this writ petition and a copy of this order and with any other document on which he is relying upon, within a period of three

weeks from the date of receipt of a copy of this order. On receipt of the same, the respondents are directed to consider the case of the petitioner and

pass a speaking order assigning valid and concrete reason for consideration /non-consideration of the case of the petitioner for promotion, in

accordance with law, within a period of six weeks thereafter.

7. Needless to say that respondents shall verify the factual aspects /issues involved in the present writ petition vis-à-vis factual aspects/issues

involved in W.P.(S) No.1390 of 2021 and other analogous cases and if the facts/issues involved in the present writ petition is found to be similar to the

aforementioned writ petitions, the same benefits may be extended to the present writ petitioner also, in accordance with law, within a period of four

weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, this writ petition stands disposed of.