
(2008) 04 JH CK 0023
In the Jharkhand High Court

Shri Ram Bachan Sharma

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 10-04-2008

Acts Referred:

Citation : (2008) 3 JCR 126

Hon'ble Judges : R.K. Merathia, J

Bench : Single Bench

Judgement

R.K. Merathia, J.—Both these connected matters were heard together and are being disposed of by this common order.

2. Regarding W.P.(S) No. 622 of 2003, Mr. Pandey, learned Counsel, appearing for the petitioner, submitted that petitioner was appointed on probation by letter dated 18.7.1969 against which he joined on 21.8.1969 which was confirmed w.e.f. 21.8.1970 by Notification dated 11.3.1977. In view of Paragraph 5(Kha) of the Circular contained in Memo No. 379 dated 16.2.1990. petitioner was to be given promotion w.e.f. 1.2.1985 but it is not known why he was given promotion w.e.f. 1.3.1989 vide Memo No. 2270 dated 25.8.1994, even though he completed more than ten years of his service on 1.2.1985 and other persons similarly situated were given promotion w.e.f. 1.2.1985. Mr. Pandey referred to the letter contained in Memo No. 1554, Ranchi dated 18.11.2002 issued by the Deputy Secretary, Science and Technology Department, Government of Jharkhand, Ranchi to the Science and Technology Department, Government of Bihar, Patna and submitted that on petitioner's representation, the aforesaid position was accepted and the petitioner's records were called for further action, which appears to have been sent from Patna, vide letter No. 1664 dated 3.11.2003 (Annexure 8), but petitioner has not received any order.

3. With regard to W.P.(S) No. 4729 of 2003, Mr. Pandey submitted that petitioner has not been given promotion on the post of Professor under twenty five years, Time Bound Promotion Scheme to which he was entitled w.e.f. 21.8.1994 in spite of repeated representations and now he has retired from service on 30.11.2003.

He further submitted that in view of the same para 5(kha) of the aforesaid Circular No. 379 dated 16.2.1990, and the Statute for Time Bound Promotion dated 24.12.1986, petitioner was entitled to be promoted as Professor w.e.f. 21.8.1994 under twenty five years Time Bound Promotion Scheme. When the same was not allowed, petitioner filed W.P.(S) No. 421 of 2003 which was disposed of on 25.3.2003 with a direction to the respondents to consider petitioner's representation and to take a decision in accordance with law by passing a reasoned order within a given time. But petitioner's claim has been rejected vide Memo No. 922 dated 17.7.2003 on the ground that petitioner is not entitled to personal promotion whereas petitioner never claimed personal promotion on merit, rather he claimed promotion only under Time Bound Promotion Scheme. Mr. Pandey, relied on the judgments reported in 2002 (3) JCR 620. Dr. M.K. Sarkar and 2007 (4) JCR 243. Dr. Basant Kumar Singh.

4. State counsel is not in a position to say as to what orders have been passed on petitioner's representation with regard to said claims. He also could not satisfy as to why his claim for Time Bound Promotion was rejected by the said memo No. 922 dated 17.7.2003 on the ground that he was not entitled to Personal Promotion on merit, whereas, petitioner did not claim such promotion, and his case was for Time Bound Promotion only.

5. In the circumstances, the said Memo No. 922 dated 17.7.2003 is set aside and the petitioner is given liberty to file a fresh and composite representation about both of his claims of Time Bound Promotions, before the Secretary, Department of Science and Technology, Government of Jharkhand, Ranchi (respondent No. 1). If petitioner's claims are found tenable, he will pass orders with consequential benefits in accordance with law. If any claim of the petitioner is not found tenable, the reasons thereof should be communicated to him. This exercise should be completed within six weeks from the date of receipt of such representation.

6. With these observations and directions, both these writ petitions are disposed of. No costs.