

(2014) 03 JH CK 0065
In the Jharkhand High Court
Case No : W.P. (S) No. 4603 of 2012

Surjeet Mukherjee and Others	Vs	APPELLANT
The State of Jharkhand and Others		RESPONDENT

Date of Decision : 21-03-2014

Acts Referred:

Citation : (2014) 03 JH CK 0065

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Pandey Niraj Rai, Advocate for the Appellant

Judgement

Aparesh Kumar Singh, J.—Heard learned counsel for the parties. The grievance of these three petitioners is that they ought to have been granted promotion w.e.f. 30th July, 2010 from the post of Assistant, which they were holding, to that of Section Officer pursuant to the recommendation by the Departmental Promotion Committee, meeting held on 12.5.2010, which is contained in Annexure 10 to the rejoinder, in which names of the petitioners have been recommended for promotion. The names of these three petitioners find place at serial Nos. 96, 105 and 108 respectively.

2. Counsel for the petitioner submits that one person, namely, Ramji Singh, who was junior to the petitioners, was granted promotion ahead to them vide Notification dated 30th July, 2010, Annexure-2.

3. The respondents have stated that none of the person junior to the petitioners have been promoted to the post of Section Officer on the basis of recommendation of the same Departmental Promotion Committee, meeting held on 12.5.2010. It has further been stated on their behalf that Ramji Singh, in respect of whom submissions have been made by the petitioners, was not found eligible and would be reverted to the post of Assistant.

4. Learned counsel for the petitioners submits that Annexure 6 to the writ petition dated 20th June, 2012 would show that there are 657 vacancies

available for the post of Section Officer. Therefore, there was no reason for the respondents to promote 28 persons in the first instance leaving these petitioners aside.

5. I have heard learned counsel for the parties and gone through the relevant materials on record. It is true that the Departmental Promotion Committee in its meeting held on 12.5.2010, Annexure 10, recommended cases of several persons for promotion including that of the petitioners, whose names appear at serial Nos. 96, 105 and 108 respectively. However, it is also true that no person junior to the petitioners was promoted in the category of 28 persons by the notification dated 30th July, 2010, Annexure-2. The respondents have, however, also accepted their mistake that one junior Ramji Singh was promoted and he would be reverted to the post of Assistant. In such circumstances, no case of discrimination has been made out by the petitioners to direct the respondents to promote them from the date on which other 28 persons have been promoted by the Notification dated 30th July, 2010, Annexure-2.

6. It appears that there are certain vacancies existing for the post of Section Officer and the petitioners have also represented for consideration of their cases. It is submitted by the learned counsel for the respondents that the petitioners have also been granted promotion w.e.f. 1st November, 2012.

7. In that view of the matter, this Court does not find any reason to interfere in the present writ petition by directing the respondents to grant promotion to the petitioners from the earlier date. However, the petitioners are at liberty to pursue their representation before the respondents for grant of enhanced grade pay from Rs. 4800/- which they are enjoying to that of Rs. 6600/-, in respect of which they have relied upon resolution dated 16.1.2012, Annexure-5 to the writ petition, as per which the minimum number of six years of qualifying service is required for being eligible in the grade pay of Rs. 6600/- from Rs. 4800/-. According to the petitioners they have been in the grade pay of Rs. 4800/- from 1st January, 2006, in support of which, they have annexed pay fixation of the petitioner No. 3 as Annexure 7 to their rejoinder. The petitioners shall pursue the representation in respect of the aforesaid claim before the competent authority of the Department, who shall consider the same in accordance with law within a reasonable time, preferably within 10 weeks from the date of receipt of representation.