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**(2019) 01 JH CK 0129**

**In the Jharkhand High Court**

**Case No : Letter Patent Appeal No. 477 Of 2014**

Surya Nath Pandey

APPELLANT

Vs

State Of Jharkhand And Ors

RESPONDENT

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**Date of Decision : 10-01-2019**

**Acts Referred:**

**Citation : (2019) 01 JH CK 0129**

**Hon'ble Judges : D.N. Patel, J;B.B.Mangalmurti, J**

**Bench : Division Bench**

**Advocate : Manoj Tandon, Gaurav Raj, Atanu Banerjee, Vikash Kumar, Kumari Sugandha**

**Final Decision : Dismissed**

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## **Judgement**

D.N. Patel, J

1. This Letters Patent Appeal has been preferred by the original petitioner whose Writ Petition being W.P. (S) No. 1185 of 2002 was dismissed by the learned Single Judge vide judgment and order dated 17th October, 2014, whereby, his prayer for promotion with effect from 1978-79 has not been accepted by the learned Single Judge and, hence, the original petitioner has preferred the present Letters Patent Appeal.

Reasons:

2. Having heard learned counsels for both the sides and looking to the facts and circumstances of the case, it appears that this appellant is an original petitioner. This appellant was appointed as a Class-IV employee as on 10th November, 1972.

3. Thereafter, promotions were given from amongst Class-IV employees to Class-III post. It appears that this appellant had previously preferred Writ Petition being C.W.J.C. No. 1431 of 1991(R) which was disposed of vide order dated 19th May, 1994 and the direction was given to consider the case of this appellant. Thereafter, one more Writ Petition being C.W.J.C. No. 2840 of 1998(R) was

preferred by this appellant, which was also disposed of vide order dated 13th October, 1999. Every time, this Court has passed order to consider the case of this appellant.

4. It further appears from the facts of the case that in the year 1987 and 1992, this appellant was not found eligible for promotion. In the year 1994, he was given promotion on 9th December, 1994. Thus on 9th December, 1994, this appellant (original petitioner) was already promoted from Class-IV to Class-III post.

5. Now, this appellant has preferred a Writ Petition being W.P. (S) No. 1185 of 2002 for getting notional promotion with effect from 1979.

6. It also appears from the facts of the case that in the year 1992, this appellant was not found eligible for getting promotion. In the year 1994, promotion was given to him. Thus, no error is committed by the respondents in giving promotion to this appellant on 9th December, 1994. Earlier also, several Writ Petitions have been preferred by this appellant, as stated in the impugned judgment and order delivered by the learned Single Judge and not on a single occasion, the Writ Petition was allowed by this Court by granting promotion to this appellant with effect from 1979.

7. In view of the aforesaid facts, it appears that in the year 1992 this appellant was found ineligible for getting promotion and next time in the year 1994, he was given promotion. An order passed in the year 1992 is never under challenge. Thus, no error has been committed by the learned Single Judge while dismissing the Writ Petition being W.P. (S) No. 1185 of 2002 vide judgment and order dated 17th October, 2014. No promotion can be given to this appellant with retrospective date, as prayed for by him, even otherwise also, this appellant has already retired in the year 2010. Hence, there is no substance in this Letters Patent Appeal, the same is, hereby, dismissed.