
(2005) 09 PAT CK 0070
In the Patna High Court
Case No : CWJC No. 7902 of 1991

Vijay Shankar and Another	Vs	APPELLANT
The State of Bihar and Another		RESPONDENT

Date of Decision : 19-09-2005

Acts Referred:

Citation : (2005) 4 PLJR 589

Hon'ble Judges : Narayan Roy, J

Bench : Single Bench

Advocate : R.N. Mukhopadhyay, for the Appellant;

Judgement

Narayan Roy, J.—Heard counsel for the parties. The writ petitioners have prayed for issuance of direction upon the respondents to finalise the gradation list of the selection grade Assistants of the Combined Secretariat Cadre in the State of Bihar and changing the position of petitioner No. 1 from serial No. 325 to the above and proper position and by inserting the name of petitioner No. 2 in the said gradation list and also to direct the respondents to prepare the gradation list on the basis of the entry in the services as Lower Division Assistants/Upper Division Assistants. A further direction has also been sought for to consider the case of the petitioners for promotion in the rank of Section Officers on regular basis with effect from the date their juniors were promoted.

2. It is submitted by learned counsel for the petitioners that petitioner No. 1 was initially appointed on the post of Lower Division Assistant on temporary basis with effect from 2nd July, 1960. Thereafter, he was appointed on the post of Probationer Lower Division Assistant with effect from 15th April, 1963 and he was confirmed with effect from 21st January, 1970. Thereafter he was promoted to the next higher post of Upper Division Assistant provisionally with effect from 5th July, 1973, and likewise, petitioner No. 2, who was also appointed as Lower Division Assistant, passed the departmental examination, but their cases were not duly considered by the authorities in the manner their juniors were considered for promotion.

3. This Court while admitting this writ application for hearing vide order dated 5.11.1992 by way of an interim order directed that pendency of this writ application will not stand in the way of respondent Nos. 1 and 2 to adjudicate the grievance of the petitioners and pass a reasoned order in accordance with law. Neither the petitioners have filed any affidavit nor there is any averment in the counter affidavit filed on behalf of the State as to whether during pendency of this writ application cases of the petitioners were considered in accordance with law.

4. Mr. R.N. Mukhopadhaya, learned counsel for the petitioners, submitted that he has no instruction in this regard.

5. At this juncture, this Court is hesitant to pass any positive order with regard to grant of promotion to the petitioners in view of the interim order passed by this Court dated 5.11.1992.

6. Regard being had to the facts and circumstances of the case, in my opinion, the petitioners, if so advised, may file their respective representations before the respondent concerned in case their grievances have not been redressed during the pendency of this writ application. The representation, if any, filed, shall be considered and disposed of in accordance with law, not beyond a period of three months from the date of filing of the same. With the direction/observation aforesaid, this writ application is disposed of.