

(2008) 11 JH CK 0060
In the Jharkhand High Court

Yashwant Sharan and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 14-11-2008

Acts Referred:

Citation : (2009) 1 JCR 162

Hon'ble Judges : Rakesh Ranjan Prasad, J

Bench : Single Bench

Judgement

R.R. Prasad, J.—The petitioners were appointed as Steno Assistant Sub-Inspector of Police in the year 1983/84. In course of time, cadre of Steno Assistant Sub-Inspector of Police was merged with the cadre of General Assistant Sub-Inspector of Police in the year 1989 whereby common seniority list was prepared. Subsequently, these petitioner were promoted to the post of Sub-Inspector of Police with effect from 20.8.1994. Meanwhile, persons of the category of General Assistant Sub-Inspector of Police, juniors to the petitioners, were also given promotion to the post of Sub-Inspector of Police on ad hoc basis. Thereupon, some of those Sub-Inspectors of Police moved to the Patna High Court for a direction to the respondent to confirm them on the said post and the Patna High Court directed the authorities to confirm them on the post of Sub-Inspector of Police and accordingly, their services were confirmed on the post of Sub-Inspector of Police whereas these petitioners and others who had been given promotion to the posts of Sub-Inspector of Police were reverted back to the post of Assistant Sub-Inspector of Police.

2. Being aggrieved with those decisions, one of the aggrieved person moved before the Hon'ble Supreme Court, vide, SLP (Civil) No. 3006 of 2000 and the Hon'ble Supreme Court held that one cannot be held to be senior considering the period of officiation, rather seniority is to be counted from the date of his appointment.

3. It was submitted on behalf of the petitioner that effect of the judgment would be that all the persons who are junior to the petitioners but were given

promotion on the post of Sub-Inspector on ad hoc basis need to be reverted back to the post of Assistant Sub-Inspector and consequently, petitioners are required to be promoted to the post of Sub-Inspector of Police and therefore in the wake of the order passed by the Hon"ble Supreme Court, Director General of Police, Bihar, vide, its order dated 19.7.2002 (Annexure 2) wrote a letter to all the Superintendent of police and other concerned persons requesting therein to call for an explanation from all the concerned persons who were given promotions though they were juniors to others, be not reverted to the post of Assistant Sub-Inspector, but no decision in this regard was taken, as a result of which, petitioners though are the seniors from the persons who were given promotion to the post of Sub-Inspector on the ad hoc basis, have not been given promotions to the post of Sub-Inspector of Police and, therefore, they made representation before the Director General of Police, Jharkhand, Ranchi respondent No. 2 in the year 2002 itself for giving promotion to them with effect from 20.8.1994 and also consequential benefits, but no decision in this regard has been taken so far, as a result of which, the petitioners are suffering irreparable loss everyday and. therefore, there was no option left to the petitioners but to move to this Court by way of this writ application whereby prayer has been made to direct the respondent No. 2 to give promotion to the petitioners to the post of Sub-Inspector of police with effect from 20.8.1994 and also consequential benefits.

4. Counter affidavit has been filed on of the State of Bihar but no counter affidavit seems to have been filed by the State of Jharkhand.

It has been stated in the counter affidavit that pursuant to order passed by the Hon"ble Supreme Court, Director General of Police, Bihar is supposed to pass order of revision with respect to 78 Sub-Inspectors still request has been made under Annexure A to the Director General of Police, Bihar to send revised list of seniority. However, It has been stated that after creation of the State of Jharkhand, no persons, junior to the petitioners, had been promoted to the post of Sub-Inspector of Police.

5. Having heard learned Counsel appearing for the parties, it is evidently clear that promotion given to as many as 78 persons to the posts of Sub-Inspector of Police on ad hoc basis were held to be illegal by the Hon"ble Supreme Court and therefore, the then Director General of Police under Annexure 2 made request to all the Superintendent of Police and other concerned persons to collect explanations from those persons who were granted promotions to the post of Sub-Inspector on ad hoc basis so that decision in the matter of revision be taken but nothing seems to have been done in this regard even after lapse of six years, as a result of which, no decision could be taken in the matter of reversion of those persons who are illegally promoted and even in the matter of promotions of the petitioners though the petitioners had represented the matter for their promotions in the year 2002 itself.

6. Under these situations this application is disposed of with a direction to the petitioners to file a fresh representation along with a copy of this order before

the respondent No. 2, who after having requisite records/documents from his counter part of the State of Bihar will be taking decision in the matter of reversion in the light of the order passed by the Hon''ble Supreme Court, as referred to above, and consequently, will also take decision In the matter of promotion of these petitioners within a period of six months.