

(2004) 04 JH CK 0078

In the Jharkhand High Court

Case No : Writ Petition (S) No. 529 of 2002

Yogendra Prasad Sinha

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 09-04-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 2 JCR 600

Hon'ble Judges : Amareshwar Sahay, J

Bench : Single Bench

Advocate : Rajiv Ranjan and Abhay Kr. Mishra, for the Appellant; Rashmi Kumari, JC to SC-II, for the Respondent

Judgement

Amareshwar Sahay, J.—The prayer of the petitioner in this application is for direction to the respondents to consider the case of promotion in view of the office: order No. 61, dated 29.12.1999 which has not been given effect till date and further on the ground that junior to the petitioner in gradation list has been given such promotion.

2. It is stated that the petitioner was appointed as 2nd Grade Pump Khalasi in the year 1966 and was thereafter promoted as Pump Driver in the year 1978. It is further stated that gradation list was published vide office No. 309, dated 3.11.1970, wherein the petitioner has been shown to be at serial No. 97. It is further stated that by issue of Annexure-2, dated 29.12.1999, the Superintendent Engineer, Public Health Engineer, Ranchi Circle, Ranchi, issued promotion order, whereby the petitioner as well as other persons were ordered to be promoted to the post of Electric Fitter, Grade-I.

3. The grievance of the petitioner is that though the Superintendent Engineer issued the office order contained in Annexure-2, dated 29.12.1999 promoting the petitioner to Electric Fitter, Grade-I but the said order of promotion was not given effect for the reasons best known to them. Further grievance of the petitioner is that one Shri Ramji Prasad Singh who figures at serial No. 120 in the gradation

list i.e., below the petitioner, has been granted promotion by issue of the order dated 31.12.1998 contained in Annexure-4 of the present writ application, but the case of the petitioner has not been considered for promotion.

4. In spite of several adjournments the state respondent has failed to file counter affidavit and therefore the writ application is being disposed of on the basis of the averments made in the present writ application. The facts which have been stated in the writ application has not been denied or controverted; therefore it would be deemed that the same had been admitted by the respondents.

5. From perusal of the Annexure-2, the office order dated 29.12.1999, it appears that the petitioner was ordered to be promoted to the post of Electric Fitter, Grade-I pay scale 4000/- to 6000/- but as alleged by the petitioner, the said promotion order was not given effect. Considering the above facts stated in the writ application, this application is being disposed of with a direction to the respondents particularly Chief Engineer, Public Health Engineering, Ranchi Circle, Ranchi to consider the case of the petitioner for promotion, taking into account, the office order dated 29.12.1999 of the Superintending Engineer (Annexure-2) as well as the fact that person junior to the petitioner in gradation list has been given benefit of promotion. The Chief Engineer, Public Health Engineering, Ranchi Circle, Ranchi shall pass an appropriate order in accordance with law within a period of six weeks from the date of receipt/production of the copy of this order. If the case of the petitioner is found to be genuine, the order of promotion of the petitioner should be issued immediately thereafter.

With this above observation and direction this application is disposed of.