

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2891 of 2015

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Malti Devi Wife of late Bhagwan Das resident of Mohalla- Diwan Mohalla, Duli Ghat, Patna City, Under P.S. Khajekalan, P.O. Jhauganj, Distt- Patna.

.... Petitioner/s

Versus

1. The Chairman Bihar State Khadi Gram Udhog Board , Mahesh Bhawan, Gandhi Maidan(East) , Patna-4 Under P.S.,Gandhi Maidan , Distt. Patna.
2. Chief Executive Officer Bihar State Khadi Gram Udhog Board, Mahesh Bhawan, Gandhi Maidan (East), Patna -4 Under P.S. Gandhi Maidan , Distt- Patna.
3. Manager , Bihar State Khadi Gram Udhog Board , Mahesh Bhawan, Gandhi Maidan(East) , Patna-4 Under P.S.,Gandhi Maidan , Distt. Patna.
4. The State of Bihar through Secretary, Industries Department , Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mohit Kumar, Adv.

For the Respondent/s : Mr. Sanjay Kumar Singh, AAG12

For the Board : Dr. Amitesh Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA

ORAL JUDGMENT

Date: 19-02-2015

Heard learned counsel for the parties.

Having regard to the nature of prayer made in this writ application, relevant portion whereof reads as follows:-

"1. ----- for directing the respondent to consider the grievance of the petitioner with regard to her time bound promotion and grant revised pay scale of 975-1540 of grade-III employee since the petitioner has been discharging the duty of sales men (Bikrikar) since, the date of confirmation of the service on 21.04.1990 and grantal time bound promotion accordingly be given pay scale of grade-III since the date of discharging her duty as Sales man."

and the admitted position that the petitioner has already retired from



service on 31.1.2015 which in effect would mean that now the petitioner at best can be entitled for certain monetary relief if his claim for promotion is allowed, this Court would deem it expedient in the ends of justice to examine such claim of the petitioner for grant of promotion as prayed for in this writ application and if there be any such scheme already in vogue in the Bihar State Khadi Gram Udhog Board and the petitioner was also eligible for the same, the authorities would take necessary decision in respect of the claim of the petitioner for grant of time bound promotion.

It however goes without saying that if the Board had never adopted the government policy for grant of time bound promotion and has not given this benefit to any one else, the petitioner's claim shall be rejected by a reasoned order. On the other hand if it is found that the petitioner was/is still entitled to grant of such time bound promotion as prayed for in this writ application and had stood illegally denied/deprived of the same, the authorities will pass necessary order for its being given to the petitioner as also extend the financial benefit, if any.

Let it be made clear that this Court, in absence of any pleadings in the writ application as to whether the Bihar State Khadi Gram Udhog Board has ever adopted the government policy of time bound promotion which was only in vogue even in the government till

31.12.1995, has not expressed any opinion on the claim of the petitioner and has simply directed the respondents to consider the grievance of the petitioner strictly in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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