

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8967 of 1998

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Lal Narain Singh S/o Late Banshi Singh, resident of Lalji Tola, PS Gandhi
Maidan, town & district Patna

.... Petitioner

Versus

1. Patna Municipal Corporation through its Administrator, Budh Marg,
Patna
2. The Deputy Administrator, Patna Municipal Corporation, Budh
Marge, Patna

.... Respondents

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Appearance :

For the Petitioners : Mr.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

8 20-02-2015 The petitioner seeks quashing of the order contained in memo No. 129 dated 12.09.1998 passed by the Administrator, Patna Municipal Corporation whereby, the petitioner's representation for his promotion to vacant post of Revenue Officer in the scale of Rs. 1200-1800/- has been rejected.

It is the petitioner's grievance that the said order has been passed illegally, without considering the petitioner's representation as per direction of this court dated 13.04.1998 passed in CWJC No. 4912 of 1997 and without placing it before the Departmental Promotion Committee, as per rules.

Briefly stated the facts of the case are that the petitioner was initially appointed in the year 1959 as Tax Collector and later on promoted as Assistant Cashier and

then Cashier in the year 1986. According to him, he was the senior most person working as such and, therefore, was eligible for promotion to the next higher post of Revenue Officer among cadre of Assistants and Tax Collectors.

This is not in dispute that the petitioner had attained the age of superannuation and, accordingly, retired in December, 1998. The petitioner had earlier filed a writ application vide CWJC No. 4912 of 1997 seeking direction from this court for his promotion to the post of Revenue Officer, which was disposed of by an order of this court dated 13.04.1998 with a direction to the respondents to consider the petitioner's representation and pass appropriate order upon his claim for promotion to the post of Revenue Officer. It is in the light of the said order of this court dated 13.04.1998 the said order dated 12.09.1998, which is impugned in the present writ application, has been passed.

From the order dated 12.09.1998, I find that reason has been assigned for not considering the case of the petitioner. It seems that the establishment committee of the Patna Municipal Corporation took a policy decision that the post of Revenue Officer shall be filled up from amongst senior most Tax Collectors only, who have the eligibility criteria for promotion.

In any view of the matter since I find that the

petitioner had retired in the year 1998 and nothing has been shown that the petitioner had any right to be appointed with effect from the date prior to December, 1998, no relief can be granted in the present case.

This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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