

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12302 of 2007

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Ram Kumar Dass son of Late Bhibhuti Bhusan Prasad resident of Mohalla Gautam Budha Colony, Tilkamanjhi, P.S. Tilkamanjhi, Town and District Bhagalpur working as Rearer Group D office of the Project Officer, Malwari Training cum Extension Centre Lakrikola, Department of Industries , Handloom (Sericulture) Govt. of Bihar, Banka District Bank

.... Petitioner

Versus

1. The State of Bihar
2. The Industrial Development Commissioner, Department of Industries, New Secretariat Govt. of Bihar, Patna.
3. The Director, Handloom and Sericulture, Department of Industries, Patna.
4. The General Manager, District Industries Centre, Banka.
5. The Assistant Director, Industries Sericulture Combined Building Bhagalpur.
6. The Project Officer, Malwari Training cum Extension Centre Lakrikola, Banka District Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amar Nath Mishra, Advocate.

For the Respondents : Mr. Kinkar Kumar SC27

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 29-04-2015

Heard Mr. Mishra learned counsel for the petitioner and Mr.

Kinkar Kumar SC.27 for the State.

A counter affidavit has been filed on behalf of the respondent

Nos.2 and 5.

The petitioner was appointed in the year 1982 in the Handloom and Sericulture Department of the Government as Rearer (Kitpalak). He was not granted any promotion during the service career. In such circumstance, the writ petition was filed in the year 2007 seeking a direction upon the respondents for quashing of the letter contained in memo no. 1514 dated 10.08.2001 (Annexure-17) whereby his case for promotion from the post of Rearer (Group-D) to the next higher post of Overseer (Group-C) was not considered. The petitioner also sought quashing of Annexure-17 which, in fact, is a communication issued by the

Director, Department of Handloom and Sericulture to the Secretary , Department of Industry seeking clarification on grant of promotion in absence of rules framed by the Government.

The contention of the petitioner is that he was appointed as Rearer (Group-D) and continued as such until he retired from the said post in November, 2009. During the whole service career he was not afforded any promotion.

In the counter affidavit filed on behalf of the respondent nos. 2 and 5 the circumstances under which the case of the petitioner could not be considered for promotion have been explained. In paragraph no.4 thereof it has, however, been stated that as the petitioner was not granted any rank promotion during his whole service career the respondents considered him for grant of benefit of 1st Assured Career Progression as well as 2nd Assured Career Progression w.e.f. 09.08.1999 and 31.03.2006. It, thus, appears that the Government realizing the fact that the petitioner was not afforded any rank promotion has already granted two promotions under the Assured Career Progression Scheme.

That being the position no further relief, in the facts and circumstances of the case, can be granted to the petitioner who has already superannuated.

The application is, accordingly, dismissed.

(Kishore Kumar Mandal, J)

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