

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5809 of 2014

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Harshit Narayan Singh S/O Late Ram Bhaju Singh, R/O Mohalla - Jay
Prakash Nagar, P.S. Rajiv Nagar, Distt. - Patna

.... Petitioner/s

Versus

1. Food Corporation of India through the Managing Director, FCI, 16 - 20 Barakhamba Lane New Delhi
2. The Executive Director, Zonal Office, East, FCI, 10 - A Middleton Row, Kolkata - 700071
3. The General Manager, FCI, Exhibition Road, Arunachal Bhawan, Patna
4. The Area Manager, FCI, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Bhaskar, Advocate.

For the Respondent/s : Mr. Prabhakar Tekriwal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

3 03-02-2015

Heard learned counsel for the parties.

2. The prayer of the petitioner in this writ application,

when it was filed on 23.03.2014, had read as follows:

"1. That is an application being filed for issuance of appropriate writ or writs, direction or directions, order or orders, commanding he respondents to grant all financial benefits to the petitioner, in place granting notional promotion and to take necessary actions in the light of change of date of promotion of petitioner to the post of AG-1 (Depot), from 23/10/2007 to 30/11/2006 vide office order bearing no. 2(2)/Cat.III/2012-Estt. Dated 29.8.2012."

3. During the pendency of this writ application, the respondents, having passed an order on 29.04.2014, had sought to redress part of the grievance of the petitioner by restoring the seniority and placing him at sl. No. 206A above Sri Ram Niwas Pandey at sl. No. 207 and below Sri Dwarika Prasad at sl. No.

206. That was definitely the correct procedure adopted by the respondents in fixing the seniority and the petitioner also has no grievance with regard to such order.

4. The petitioner, however, complains that he cannot be denied any financial benefits to which he becomes entitled on account of drawing of the seniority list by making him senior to Ram Niwas Pandey. In this regard the petitioner has brought not only his own fixation statement but that of Parshuram Jha and Ramniwash Pandey, to contend that in the matter of fixation of salary, his juniors were allowed to draw higher pay than him, the petitioner.

5. The petitioner has yet another grievance that even if the seniority position was sought to be rectified, juniors to him had got the benefit of regular promotion with full financial benefit with its different dated in the year 2006 whereas the petitioner, in the year 2012, was given promotion only on notional basis. According to the learned counsel for the petitioner, there were no latches on the part of the petitioner so as to become ineligible for not getting promotion from the year 2006 and in fact, it was only a wrong seniority position shown in the seniority list, which has kept the petitioner deprived from getting the promotion.

6. Mr. Prabhakar Tekriwal, learned counsel appearing

on behalf of the Food Corporation of India, has submitted that this grievance may be corrected but then fact remains that the petitioner has not worked on all the promotional post and, therefore, he was only entitled to get the notional benefits.

7. In the considered opinion of this Court such approach of the authorities of the Food Corporation of India is not correct. The authorities, having thus found seniority position of the petitioner, had made suitable correction and that after filing of a writ application. The Food Corporation of India, being employer in the welfare State, therefore, ought to have also considered with regard to promotion along with financial benefit with effect from 2006 alike others and/or giving benefit to such financial benefits by way of fixation of pay.

8. Now the petitioner has retired from service with effect from 31.01.2015, this Court would direct the competent authority of the Food Corporation of India to first decide the claim of the petitioner for grant of full benefit of promotion with effect from the date, the juniors to the petitioner were given such promotion with financial benefits.

9. Let it be made clear that since the petitioner was denied promotion only on account of wrong fixation of his seniority, his financial benefit will not be taken away on the

ground of such revision of seniority list was made in the year 2014.

10. Having thus issued an order of promotion from the date his juniors were given such consequential financial benefits, shall also be given to the petitioner from the date it was extended to his juniors. The Respondents would also accordingly issue a fresh pay slip after noting the grievance of the petitioner with regard to his being not paid lesser salary than his juniors.

11. This Court hopes and believes that this exercise will be completed within a period of four months from the date of receipt of a copy of this order. The period of four months however, shall be reckoned from the date of filing of the representation giving full details of his claim for promotion from the year 2006 as also fixation of his salary at least equivalent if not granted to his juniors.

12. With the aforementioned observations and directions, this writ application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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