

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8023 of 2014

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Anil Kumar Singh Son of Late Ram Swarup Singh Resident of Village Bora
Godam Kumahar Toli, Post Office Hajaribagh, District - Hajaribagh, State
Jharkhand.

.... Petitioner/s

Versus

1. The Union of India through its Secretary Department of Home, New Delhi.
2. The Director General of Central Reserve Police Force, C.G.O.Complex, Lodi Road, New Delhi.
3. The Inspector General of Police C.R.P.F., C.G.O. Complex Lodi Road, New Delhi.
4. The Dy Deputy Inspector General of Police, C.R.P.F. Grater Noida (U.P.)
5. The Deputy Inspector General of Police, C.R.P.F. Patna Range, Bihar.
6. The Commandant, C.R.P.F., 196, Battalion Saraykela, Jharkhand.
7. The Commandant, C.R.P.F., 47th Battalion Koilwar, Arrah, Bhojpur.
8. The Deputy Commandant Company 'G' / 47th Battalion C.R.P.F. Badalgarh Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Ranjan, Adv
For the U.O.I. : Mr. Anjani Kumar Sharan, C.G.C

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 18-02-2015 Heard learned counsel for the parties as with

regard to the following reliefs, prayed in this writ

application:-

*“For issuance of a writ in the nature of mandamus
commanding the respondents to respondents to promote the
petitioner from post of constable in C.R.P.F. which is due.*

*For issuance of a direction to pay arrears, salary
deference amount with interest as petitioner entitled to.”*

Learned counsel for the petitioner submits that

there is no justifiable reason of denying the prayer of



the petitioner and in fact the respondents have also admitted this fact in the counter affidavit that such promotion to the petitioner has not been given on account of certain confusion created as with regard to the Zone of the petitioner. He, accordingly, submits that the petitioner's promotion which has become due at least some four years back must be notified by the respondents without any further delay.

Learned counsel for the respondents on the other hand relying on the counter affidavit has submitted that the process of consideration for promotion of the petitioner is under active consideration and to that extent he refers to paragraph no. 8 of the counter affidavit which reads as follows:-

“That while the matter was under correspondence between 192/196/Range Noida/ Range Amethi and IGP Central Sector, CRPF, Lucknow in connection with rectification of observation raised by IGP Central Sector, CRPF vide letter No. P.VII-9/2012-CS-Adm-1 dated 03.12.2012, the petitioner was transferred from 196 to 47 Bn CRPF on 13.04.2013 which comes under the adm jurisdiction of range HQr, Patna. After reporting in 47 Bn the petitioner had submitted applications, but the concerned office was not in position to provide him a fruitful result because his case was related to other offices. Aggrieved with the delay on the subject considerably, the petitioner



had submitted an application which was received in by the respondent on 15.03.2014 vide OC-G/47 Bn letter No. P.VII-1/2014-G/47 dated 12.03.2014 seeking permission to knock the door of law. In reply of the same petitioner was informed vide office signal No. P.VII-09/2014-EC-I-47 dated 18.03.2014 that this case is already in process and under consideration with higher ups. However observations raised by IGP Central Sector. CRPF vide letter No. P.VII-9/2012-CS-Adm-1 dated 03.12.2012 has now been rectified by DIGP, Greater Noida and necessary proposal has already been resubmitted to DIGP CRPF Patna for further course of action vide DIGP Greater Noida letter No. R.XIII-2/2012(131)-EC-II dated 01.05.2014. The DIG Patna was requested to take immediate action so that this long pending case can be settled immediately.”

As would be found that for no valid reason, the petitioner has suffered in the matter of promotion. Thus, now if the respondents have themselves realized that the petitioner is eligible for grant of such promotion and his case has to be considered by the D.I.G., CRPF, Patna, this Court would direct the D.I.G., CRPF, Patna to ensure that necessary decision, not only as with regard to the promotion of the petitioner from the date on which immediate junior has been promoted but also consequential monetary benefit, is taken and notified in accordance with law within a period of three months from the date of receipt of this order.

It also goes without saying that if others including juniors to the petitioner were given financial benefit on account of such promotion, the petitioner also will be entitled for payment of such financial benefit.

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

(Mihir Kumar Jha, J)

Ranjan/-

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