

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4029 of 2010

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Ajay Kumar Das, S/O Late Mahadeo Lal Das, R/O C/O Late Ram Lakhan Srivastava, Mohalla- Machhli Gali, New Area Jakanpur, P.S.- Jakkanpur, Distt.- Patna, Substantially Sr. Computer Programmer and presently officiating as Public Relation Officer, Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna-1

.... Petitioner/s

Versus

1. The State of Bihar
2. The Secretary, Food & Consumer Protection Department, Government of Bihar, Old Secretariat, Patna
3. The Bihar State Food & Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Veer Chand Patel Path, Patna-1
4. The Managing Director, Bihar State Food and Civil Supplies Corporation Limited, Sone Bhawan, Patna

.... Respondent/s

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Appearance :

For the Petitioner : Mr. Bishnu Kant Dubey, Advocate

For the Corporation : Mr. Amrendra Nr. Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

ORAL JUDGMENT

Date: 24-06-2015

Heard learned counsel for the parties.

2. This writ petition is being considered in the light of the order of the Division Bench dated 31.01.2012, passed in L.P.A. No. 717 of 2010 whereunder Division Bench asked this Court to reconsider the prayer made in the writ petition in the light of the counter affidavit filed on behalf of respondent nos. 3, 4 in the said L.P.A.

3. In the writ petition petitioner has assailed the office order bearing Memo No. 9268 dated 29.10.2009, Annexure-6 whereunder his request for promotion on the ex-cadre post of Public

Relation Officer has been rejected. In this connection, I have already observed in my order dated 19.03.2010, passed in the instant writ case itself that employee has no right of promotion on ex-cadre post, notwithstanding the fact that other similarly situate employees were given such promotion by the employer Bihar State Food and Civil Supplies Corporation (hereinafter referred to as the Corporation) in the past. I still maintain the same view and reject the prayer of the petitioner for such promotion. In this connection, I may say that any erroneous exercise of promotion granted by the Corporation to other employees may not be a ground for this Court to issue direction to commit such illegality.

4. Now coming to the other request of the petitioner made in the writ petition that he is holding the post of Programmer and there is anomaly in the pay scale of the Programmer. For removal of which the Corporation itself had constituted a Committee and the report of the Committee, according to petitioner, is contained in Annexure-9 at page 58, 59 of the brief. The Corporation would be well advised to consider its report and take final decision in the matter as regards removal of anomaly in the pay scale of the Programmer is concerned.

5. With the observation aforesaid, the writ petition is disposed of.

(V.N. Sinha, J)

Rajesh/-

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