

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5510 of 2011

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Kumar Ajit Singh, Aged about 62 years, S/o Late Indradeo Singh, Resident of Flat No. B-304, Sanjana Apartment, Ara Garden Road, Near Jagdeo Path, P.S. Rupaspur, Patna-14.

.... Petitioner

Versus

1. The State of Bihar (through its Chief Secretary, Office situated in old Secretariat Building, Patna.
2. The Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Addl. Secretary, General Administration Department, Govt. of Bihar, Patna.
4. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Sinha

For the Respondent/s : AC to GP10

Mr. Kumar Priya Ranjan

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 24-11-2015 Heard Sri Subodh Kumar Sinha, learned counsel for the petitioner, learned A.C. to Govt. Pleader – 10 as well as Sri Kumar Priya Ranjan, learned counsel who has appeared on behalf of respondent no. 4/Accountant General, Bihar.

The petitioner, invoking writ jurisdiction of this Court under Article 226 of the Constitution of India, has prayed for directing the respondents to consider his case for promotion to the post of Joint Secretary with effect from the year 2004.

Learned counsel for the petitioner candidly accepted that in the year 2002 itself, a departmental proceeding was initiated against the petitioner, which ended in 2009 with inflicting some punishment. He further submits that the petitioner against

the order of punishment has also filed writ petition, which is still pending before this court.

Learned State counsel, opposing the prayer of the petitioner, has placed heavy reliance on **Annexure – A** to the counter affidavit, which was filed on behalf of respondent/State. He submits that after the end of the departmental proceeding, the sealed cover of the petitioner was placed before the Departmental Promotion Committee and keeping in view the fact that he was already awarded punishment in the departmental proceeding, his case was not considered for promotion.

In view of the fact that when the claim of petitioner for being considered for promotion was due, a departmental proceeding was already continuing, the case of petitioner was kept in sealed cover and since in the departmental proceeding the punishment has already been inflicted, the Departmental Promotion Committee has rightly not considered the case in favour of the petitioner.

I do not find any ground for passing any favourable order, since punishment has already been inflicted.

The writ petition stands dismissed.

(Rakesh Kumar, J.)

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