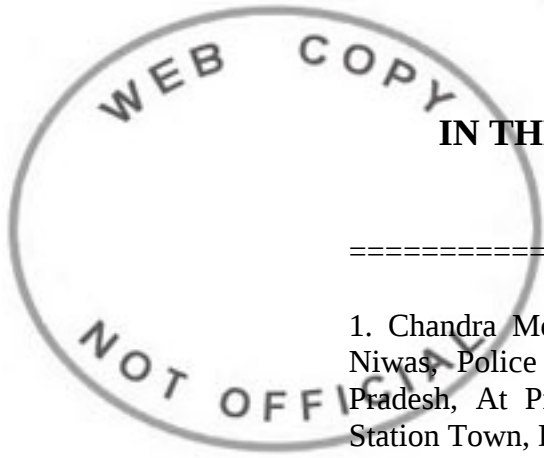




IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1206 of 2014

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1. Chandra Mohan Shahi Son Of Sri Chandra Mauli Shahi Resident Of Shahi Niwas, Police Station Cantt, Mohalla Padleyganj, District - Gorakhpur, Uttar Pradesh, At Present Posted As Incharge Excise Superintendent, Buxar, Police Station Town, District Buxar

.... Petitioner/s

Versus

1. The Union Of India Through The Secretary, Government Of India, Ministry Of Personnel , Public Grievances And Pension (Department Of Personnel And Training) Lok Nayak Bhawan, Khan Market, New Delhi 110003
2. The State Of Bihar Through The Chief Secretary, Government Of Bihar, Patna Null Null
3. The Principal Secretary, Home (Special) Department, Old Secretariat, Government Of Bihar, Patna
4. The Secretary, Department Of Registration, Excise And Prohibition, Government Of Bihar, Vikash Bhawan, New Secretariat, Patna
5. The Excise Commissioner, Bihar, Vikash Bhawan, New Secretariate, Patna
6. The Additional Chief Secretary, Excise And Prohibition Department, Government Of Jharkhand, Ranchi
7. The Excise Commissioner, Excise And Prohibition Department, Jharkhand, Ranchi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. PRAVEEN KUMAR

For the Respondent/s : Mr. N. A. SHAMSI (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 12-02-2015

Heard learned counsel for the parties.

Even without other disputes one thing is evident that

the case of the petitioner for promotion to the post of Excise Superintendent has been placed and considered by the Departmental Promotion Committee first in the meeting dated 27.11.2012 and then in August, 2014. On both the occasions no decision could be taken about the petitioner in absence of his A.C.R. for the period 2002.

The service record and maintenance of A.C.R. is the responsibility of the department. If there is failure on the part of the department to produce the A.C.R. before the Departmental Promotion Committee, it is a serious omission which comes in the way of the petitioner for consideration of his promotion. Whether it is being done deliberately as a measure of mischief or for some other extraneous consideration is not required to be investigated by the court at this stage but the court gives a direction to the Excise Commissioner, Government of Bihar that he must place the case of the petitioner before the next Departmental Promotion Committee and it is his personal responsibility to ensure that the A.C.R. of the petitioner is procured, obtained and produced before the Departmental Promotion Committee so that the question of promotion of the petitioner can be considered and a decision taken. All these must be done within a period of three months from the date of production of a copy of this order as enough time has already been lost on this score.

Writ application I disposed of with the above direction.

(Ajay Kumar Tripathi, J)

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