

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13045 of 2013

=====

Yogendra Paswan S/o Late Jharu Paswan, resident of village - Dumra Mohan, P.S.-
Hathouri, Distt.- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Water Resources
Development Department, Govt. of Bihar, Patna.
2. Gandak Command Area Development Agency, Muzaffarpur, through its
Secretary
3. Area Development Commissioner-cum-Chairman, Gandak Command Area
Development Agency, Muzaffarpur
4. Secretary, Gandak Command Area Development Agency, Muzaffarpur.

.... Respondent/s

with

=====

Civil Writ Jurisdiction Case No. 14075 of 2013

=====

1. Jai Shankar Prasad Verma Son of Late Ram Chandra Prasad, resident of village -
- Bikhanpur, P.S. - Ahiyapur, District - Muzaffarpur
2. Yogendra Das Son of Late Devlal Das, resident of village -Badhpur Punpun,
P.S. - Parsa Bazar, District - Patna
3. Shiya Lal Choudhary Son of Late Mannu Choudhary, resident of village -
Alampur, P.S. - Barh, District - Patna
4. Mahesh Chandra Verma Son of Late Akhhlu Prasad, resident of village -
Kamrath, P.S. - Karai Parsarai, District - Nalanda
5. Shiv Nandan Paswan Son of Late Ganauri Paswan, resident of village - Railli,
P.S. - Pandarak, District - Patna
6. Md. Jaiyauddin Son of Late Mahiuddin, resident of village -Janipur, P.S. –
Janipur, District - Patna
7. Ritnandan Jha Son of Late Banwari Jha, resident of village - Umaput Basant,
P.S. - Aourai, District – Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ara Development Commissioner-cum-Chairman, Gandak Command Area
Development Agency, Muzaffarpur
3. Secretary, Gandak Command Area Agency, Muzaffarpur
4. Secretary, Agriculture (Special Programme) Department, Government of Bihar,
Patna

.... Respondent/s

=====

Appearance :

(In CWJC No.13045 of 2013)

For the Petitioner/s : M/s Ishwari Singh, S.K. Mishra and

For the State : Smt. Kiran Kumari, Adv.
(In CWJC No.14075 of 2013) : Mr. Arun Kumar, AC to GP-1
For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
M/s Pramod Kumar & Sarwan Kumar, Adv.
For the State : Shilpi Keshri, AC to AAG-X
For the Resp. nos. 2 to 4 : Mr. S.C. Jha-3, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 29-11-2016

Heard the parties.

The petitioners, in the present cases, are seeking promotion from class-IV to class-III post, as they were appointed as class-IV employees on different period and have continued for such long period without granting any benefit of promotion and on that reason, their life has completely become monotonous which affected their efficiency. He further submits that petitioners cannot claim, as by way of right, for promotion, but certainly they have a right to say that their cases should be considered for promotion.

Petitioners of C.W.J.C. No. 13045 of 2013 are the Treasure Guards whereas petitioners of C.W.J.C. No. 14075 of 2013 have been appointed as Peon and both the posts are class-IV post.

It has been submitted that petitioners have discharged the duty with satisfaction of their higher official but without having granted the promotion of class-III post inasmuch as the authorities have never considered their cases for promotion so their cases should

be considered for the same.

The counsel for the GADA has submitted that no person junior to the petitioners, has been promoted and the promotion will be given according to the seniority whenever the occasion would arise.

As the petitioners have discharged the duty for such long period, the authorities are directed to consider the case of the petitioners for promotion.

For the convenience, petitioners are directed to file a detailed representation giving details of the fact in support of their case. If the petitioners are not given the benefit of promotion, the authority must pass a reasoned order in accordance with law within four months from the date of filing of such representation.

Accordingly, these petitions are disposed of.

(Shivaji Pandey, J)

Maresh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01/12/2016
Transmission Date	