

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1779 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 2224 of 2015**

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Prithwi Raj Kumar Singh, son of Late Raghubir Singh, resident of Mohalla-
Kachahari Road, Police Station- Town, District- Siwan.

.... Appellant

Versus

1. The State of Bihar through the Principal Secretary Urban Development and Housing Department, Govt. of Bihar. Patna.
2. The Deputy Secretary, Urban Development and Housing Department , Govt. of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Board of Director's through its Chairman Siwan Nagar Parishad, Siwan.
5. The Executive Officer, Siwan Nagar Parishad, Siwan.
6. Kishan Lal, son of not known at present head clerk-cum-Accountant, Siwan Nagar Parishad, Siwan, Police Station- Town, District- Siwan.

.... Respondents

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Appearance :

For the Appellant : Mr. Aditya Narain Singh, Advocate.
Mr. Kundan Kumar Sinha, Advocate.

For the Respondents : Mr. Anil Kumar, A.C. to S.C. 10
Mr. Ravi Bhushan Verma, Advocate.
Mr. Gyan Prakash, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 08-04-2016

Heard learned counsel for the appellant and the respondents.

2. The order dated 04th of February, 2015 passed by the learned Single Bench of this Court in C.W.J.C. No. 2224 of 2015 is the subject matter of challenge in the present Letters Patent Appeal.

3. The appellant was proceeded against departmentally for misconduct on 23rd of May, 2012, which resulted into the order of dismissal on 8th of June, 2012. Such order has since been set aside by this Court in C.W.J.C. No. 732 of 2013 on 29th of April, 2014 with liberty to conduct the departmental proceedings in accordance with law. In the meantime, a junior to the appellant stood promoted on 10th of February, 2014.

4. The grievance of the appellant is that there was a direction to conclude the departmental proceedings within two months, but even after two years, the departmental proceedings have not been concluded and that the appellant is entitled to be promoted from the day his junior was promoted.

5. We do not find that such grievance can be permitted to be made by the appellant in the present Letters Patent Appeal. Once the departmental proceedings are pending against the appellant, he cannot be considered for promotion till such time the proceedings are concluded. That is the order passed by the learned Single Bench as well that he will be considered for promotion, in case he is fully exonerated in the departmental proceedings.

6. In view thereof, we do not find any illegality in the order passed by the learned Single Bench which may warrant interference in the present intra court appeal.

7. The Letters Patent Appeal is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Sujit
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