

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.567 of 2016
IN
Civil Writ Jurisdiction Case No. 5809 of 2014

- =====
1. Food Corporation Of India, through the Managing Director, 16-20 Barakhamba Lane, New Delhi.
 2. The Executive Director, Zonal Office (East), Food Corporation of India, 10-A Middletown Row, Kolkata- 700071.
 3. The General Manager (Region), Food Corporation of India, Regional Office, Exhibition Road, Arunachal Bhawan, Patna.
 4. The Area Manager, Food Corporation, Gaya.

.... Appellant/s

Versus

1. Harshit Narayan Singh, Son of Late Ram Bhaju Singh, R/o Mohalla Jay Prakash Nagar, P.S. Rajiv Nagar, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prabhakar Tekriwal, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 18-07-2017

Delay of 358 days in filing the appeal is condoned. I.A.

No.2530 of 2016 is allowed.

This is an appeal by the Food Corporation of India under Clause 10 of the Letters Patent whereby challenge is made to an order passed by the learned Writ Court on 3.2.2015 directing for payment of arrears of salary on promotion granted to the respondent employee , and quashing the order only granting the promotion notionally, without monetary benefit.

Having heard learned counsel for the parties, and on going through the order passed by the learned Writ Court, we find that even though the respondent employee was entitled for



promotion, the same was not granted to him for various administrative reasons and finally when the promotion was granted to him, but as the benefits were granted only notionally, he approached this Court by filing the writ petition, claiming all the monetary benefit accruing out of the promotion. The learned Writ Court found that as the promotion has been denied on improper consideration, for no fault of the respondent, it has directed for grant of promotion with all consequential benefit. In doing so, the learned Writ Court has not committed any error and has only followed the principles of law laid down by the Hon'ble Supreme Court in such matters as held by the Hon'ble Supreme Court in the case of State of Rajasthan vs. Uchhab Lal Chhanwal, (2014) 1 SCC 144, and in various other cases referred to therein.

Accordingly, we find no error in the order passed by the learned Writ Court warranting re-consideration.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

K.C.jha/-

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