

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19242 of 2016

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1. Indrajeet Kumar Arya, Son of Late Chandradeo Das, Resident of West Jaiprakash Nagar, P.S.- Jakkanpur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Principal Secretary, Road Construction Department, Bihar, Patna,
3. The Deputy Secretary (Vigilance), Road Construction Department, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar Kanth, Sr. Adv.
Mr. Prabhu Nath Pathak, Adv.

For the Respondent/s : Mr. Rajesh Kumar, A.C. to GA13

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-08-2017

Head Mr. Vinod Kumar Kanth, learned Senior counsel for the petitioner along with Mr. Prabhu Nath Pathak, Advocate on record and Mr. Rajesh Kumar, A.C. to G.A.13 for the State.

In this case the petitioner has prayed for issuance of a writ in the nature of mandamus commanding the respondent to promote the petitioner on the post of Executive Engineer from the date his juniors were promoted i.e 14.6.2016 which promotion to the petitioner has been denied inter alia on grounds of imposition of penalty of stoppage of two annual increments vide notification dated 20.1.2016 which was put to question in C.W.J.C.No.5327 of 2016.

C.W.J.C.No.5327 of 2016 was filed for quashing the order of penalty dated 20.1.2016 together with the order passed on review. The



writ petition has been allowed with consequential reliefs vide judgment and order passed today i.e. 22.8.2017 and the penalty order has been quashed.

In view of the order passed in C.W.J.C.No.5327 of 2016, the respondents are duty bound to consider the claim of the petitioner for promotion as raised herein and accordingly the Principal Secretary, Road Construction Department is directed to consider the case of the petitioner for promotion to the post of Executive Engineer with effect from the date his immediate juniors were promoted which according to the petitioner is 14.06.2016 and pass appropriate orders in accordance with law within the maximum period of 3 months from the date of receipt/production of a copy of this order.

The writ petition is allowed.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2017
Transmission Date	NA

