

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1251 of 2013

IN

Civil Writ Jurisdiction Case No. 16138 of 2006

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Ram Chandar Sah Son Of Kesho Sah Resident Of Village- Lolatari, P.S.- Rajaun
And District- Banka, At Present Incharge Range Officer, Biscouman, Patna, Now
Retired

.... Appellant

Versus

1. The Bihar State Co-Operative Marketing Union (Biscomaun), Gandhi Maidan,
Patna Now Through Its Chairman
2. The Administrator, Now Managing Director Bihar State Co-Operative Marketing
Union (Biscomaun), Gandhi Maidan, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Mohammed Abu Haidar, Advocate

For the Respondents : Mr. Ishwari Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 14-02-2017

Even though the Court is not satisfied with the reason
assigned in the condonation application, the condonation application
is allowed in the interest of justice. Delay in preferring the appeal is
condoned. Matter is taken up on merits.

Claim of the petitioner before the learned single Judge
was that he is entitled to the benefit of senior selection grade with
effect from 01.04.1981 when juniors to the petitioner had been given
that benefit.

The learned single Judge has considered the matter in
entirety and rejected all the prayers for many a reasons including the



fact that the petitioner, who happens to be appellant, suppressed an order dated 18.08.1984 wherein punishment was imposed upon the appellant for certain omission and commission committed by him. After the expiry of the period and the effect of the punishment he has been given the benefits from 18.08.1986.

What was withheld before the learned single Judge is now available as Annexure-8 in the memo of appeal. The explanation was called for on 09.03.1981 and the punishment was imposed on 18.08.1984. Since the petitioner was under cloud and even punishment came to visit him, therefore, there was no occasion for the authorities to grant him promotion prior to 18.08.1984 or till after expiry of two years of the order of punishment.

The learned single Judge has committed no error either in fact or law which is required to be rectified.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15.02.2017
Transmission Date	N/A

