

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16748 of 2008

=====

Bachchu Singh, Son of Late Durga Chaudhary, resident of village Kadipur, P.S.
Telhara, District Nalanda

.... Petitioner

Versus

1. The Bihar State Electricity Board through its Chairman, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
3. The Joint Secretary, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Ravindra Nath Dubey
Mr. Sanjay Kumar Singh
Mr. Sanjeet Kr. Tiwari, Advocates

For the Respondents : Mrs. Nivedita Nirvikar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 29-06-2017

Heard learned counsel for the petitioner as well as the respondents.

2. The present writ petition has been filed for grant of promotional benefits on the post of Assistant Electrical Engineer from 01.10.1999 inasmuch as the petitioner has only been allowed benefits in terms of the notification contained in Memo No. 600 dated 29.05.2004 with immediate effect.

3. Learned counsel for the petitioner has sought to support his claim for the benefits of promotion with effect from 01.10.1999 as the subject post of Assistant Electrical Engineer fell vacant on that date by reason of retirement of Sri Harikant Pandey on



30.09.1999. It is stated that the petitioner had been working as Junior Electrical Engineer and was allowed to hold current charge on the post of Assistant Electrical Engineer by notification no. 659 dated 29.04.2003 and as such, he was also working on the post of Assistant Electrical Engineer with effect from 29.04.2003.

4. Learned counsel for the petitioner submits that several persons junior to the petitioner were given promotion by notification dated 02.01.2003 whereas benefit of promotion to the petitioner was granted from subsequent date i.e. 29.05.2004 and hence the petitioner has suffered discrimination at the hands of the respondents.

5. On specific question whether the petitioner could be considered for the benefit of promotion with retrospective effect from 29.04.2003 being the date when he was holding current charge of Assistant Electrical Engineer instead of granting promotion with effect from 29.05.2004 as was done, a supplementary counter affidavit has been filed. In paragraph 5 thereof, specific stand has been taken that claim of the petitioner for promotion on the post of Assistant Electrical Engineer with effect from 01.10.1999 is not sustainable inasmuch as no person junior to him was promoted since that date or any date prior to the date of promotion of the petitioner namely, 29.05.2004. It is stated that the petitioner was promoted to the post of Assistant Electrical Engineer along with various other persons both senior and junior to the petitioner, in terms of notification no. 600 dated 29.05.2004.



Learned counsel for the respondent-Board therefore submits that the petitioner has not suffered any discrimination in the matter.

6. Having heard learned counsel for the parties and on careful consideration of the materials available on record, I do not find any merit in the writ petition. Learned counsel for the petitioner has not brought to my notice any basis by way of any decision or circular in support of his claim for promotion with retrospective effect from 01.10.1999. Similarly, no rejoinder has been filed to the supplementary counter affidavit to controvert the specific stand of the respondents that no person junior to the petitioner has been promoted.

7. In that view of the matter, I am not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	03.07.2017
Transmission Date	N.A.

