

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6734 of 2008

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Krishna Murari, son of Late Brahmdeo Narayan Rai, resident of C-86, Gandhi Vihar, Police Co-operative Colony, Anishabad, P.S. Gardanibag, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Home (Police) Department, Government of Bihar, Secretariat, Patna.
3. The Director General-cum-Inspector General of Police, Government of Bihar, Secretariat, Patna.
4. The Inspector General of Police (Headquarter) Secretariat, Bihar, Patna.

.... Respondent

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Appearance :

For the Petitioner : Mr. Atul Chandra, Advocate.

For the Respondents : Mr. Vivek Anand Amritesh AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-07-2017

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for a direction to the respondents to consider and grant promotion to the petitioner from the post of Sergeant Major to Deputy Superintendent of Police retrospectively from the date his junior Pramod Kumar Singh was granted promotion.

3. Learned counsel for the petitioner submits that pursuant to directions contained in order dated 19.01.2000 in C.W.J.C. No. 4255 of 1998, the respondents considered the case of the petitioner and granted him promotion by Memo No. 1464 dated 20.02.2001 (Annexure-4). It is submitted however that the petitioner was entitled



to promotion from an earlier date namely from 01.06.1994 rather than with effect from 24.11.1999 from which date he had been granted promotion. It is stated that a representation claiming the aforesaid relief was filed by the petitioner before the Secretary Home (Police) Department, Bihar, Patna which was duly forwarded by the Commandant B.M.P. 2, Dehri-on-Sone to the Deputy General of Police, Bihar, Patna by letter no. 1298 dated 20.04.2007. It is submitted that such representation however remains pending.

4. Learned counsel for the respondents however states with reference to paragraph 11 of the counter affidavit filed on behalf of respondent nos. 1 and 2 that receipt of the petitioner's representation is not confirmed from the available records.

5. The petitioner has enclosed a copy of the representation said to have been filed by him claiming retrospective promotion. Such representation was forwarded by the office of the Commandant, B.M.P. 2, Dehri-on-Sone to the office of the Director General of Police, Bihar, Patna by letter no. 1298 dated 20.04.2007 (Annexure-8). The respondents have not doubted the genuineness or otherwise of the said forwarding letter. The petitioner cannot be made to suffer if the respondents are unable to trace the petitioner's representation in their records. Learned counsel for the respondents also expresses that there would be no objection to consider the petitioner's case on merits by the concerned authorities.



6. Having regard to the facts and circumstances of the case, the writ petition is disposed of, granting liberty to the petitioner to file a fresh representation before the Principal Secretary, Home (Police) Department, Bihar, Patna (respondent no. 2) for redressal of his grievances. If any such representation is filed within a period of one month from today, the same shall be disposed of by the respondent no. 2 within a further period of three months thereafter on its own merits in accordance with law and after grant of opportunity of being heard to the petitioner.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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