

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18439 of 2008

=====

Lal Bihari Singh, s/o Late Shyam Lal Singh, Assistant Operator, Transmission Sub Station Supaul P.S & P.O. & Distric Supaul

.... Petitioner/s

Versus

1. Bihar State Electricity Board through its Secretary Vidhyut Bhawan, Belly Road, Patna – 800001
2. The Chairman, Bihar State Electricity Board Vidhyut Bhawan, Belly Road, Patna – 800001
3. The General Manager cum Chief Engineer, Bihar State Electricity Board, Transmission Zone – II 132/33 KV Grid S/S Campus Bhikhanpura, P.O. Khabra, Muzffarpur 843146 (Bihar)
4. Superintending Engineer, Bihar State Electricity Board, Transmission Circle, Purnia
5. Executive Engineer, Bihar State Electricity Board, Supaul Transmission Sub Station Supaul
6. Assistant Engineer, Bihar State Electricity Board, Supaul in charge Transmission Sub Station Supaul

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Bhartee
Mr. S.K.Bhartee
For the Respondent/s : Sri Anant Kumr Ojha

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL JUDGMENT
Date: 12-04-2017

1. Heard Sri Mahendra Prasad Bhartee, learned counsel for the petitioner and Sri Anant Kumar Ojha, learned counsel for the respondent /Bihar State Electricity Board (presently known as Bihar State Power Holding Co. Ltd.).

2. The petitioner , had approached this court invoking its writ jurisdiction under Article 226 of the Constitution of India, with a prayer to direct the respondents to consider his case for promotion from the post of Assistant Operator to Operator. A plea has been taken



that initially a tentative gradation list of Assistant Operator was prepared but in the gradation list despite the date of joining of the petitioner as well as his age, number of persons who joined subsequent to the petitioner and who were younger than the petitioner, were put above the petitioner. Against the tentative gradation list it has been claimed that petitioner filed objection but it was not properly considered. Subsequently, some persons who were incorrectly put above the petitioner in tentative gradation list were granted promotion as Operator in the same category i.e. Backward Class (B.C.).

3. Sri Ojha, learned counsel for the respondents, has opposed the prayer firstly on the ground that tentative gradation list was prepared inviting objection. The petitioner subsequent to publication of tentative gradation list had filed objection vide Annexure '4' to the writ petition but in his objection he had raised dispute in respect of only two persons, whose names were mentioned at serial no. 07 and 08. He had raised objection only to the extent that persons mentioned at serial no. 07 and 08 were incorrectly placed above the petitioner. However, at the time of argument Sri Bhartee has specifically placed tentative gradation list which is part of Annexure '3' to substantiate his submission.

4. In view of the facts and circumstances particularly the fact



that earlier no specific objection was raised and on perusal of tentative gradation list it appears that there were some errors, the court instead of passing any positive order proposes to dispose of the writ petition granting liberty to the petitioner to file a detailed representation with supportive documents before the competent authority i.e. General Manager, Human Resources , North Bihar Power Distribution Co. Ltd. If such representation is filed within a period of eight weeks from today , the court expects that the authority concerned may examine the same and pass appropriate order in accordance with law preferably within a period of three months thereafter.

5. It goes without saying that if the competent authority considers the claim of the petitioner as correct, he may pass consequential order.

6. The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18- 04-2017
Transmission Date	NA

