

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15162 of 2010

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Ram Chandra Yadav , Son of Late Musahroo Mandal resident of village-
Sanjhouti, P.S.- Alaili, Distt.- Khagaria

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Water Resources Department, Govt. of Bihar, Patna
3. The Joint Secretary, Water Resources Department, Govt. of Bihar, Patna
4. The Deputy Secretary, Water Resources Department, Govt. of Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Adv.

For the Respondent/s : Mr. AC to Govt. Pleader no.5

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 11-05-2017 Heard Sri Siya Ram Shahi, learned counsel for the
petitioner and learned AC to Govt. Pleader no.5.

The petitioner has approached this Court with a prayer to issue writ in the nature of certiorari for quashing of an order dated 12.06.2008 contained in Memo No.461 issued under the signature of the Secretary, Water Resources Department, Govt. of Bihar. He has further prayed for granting consequential relief and for issuance of writ of mandamus directing the Respondents to consider the case of the petitioner for his promotion with due date.

From perusal of the record, it appears that the petitioner was initially proceeded departmentally. However, the departmental proceeding, which was initiated for major



punishment, was converted for a minor punishment and, thereafter two punishments were imposed ; one punishment was that the petitioner was debarred from promotion for ten years and second punishment was recovery of Rs.11,868/-. The petitioner after the order of punishment, which was approved by the appellate authority, had approached this Court by filing a writ petition vide C.W.J.C.No. 7704 of 2001. The writ court by a reasoned order declined to interfere with the first punishment i.e. the punishment, whereby the petitioner was debarred from promotion for ten years primarily on the ground that such objection was raised at much belated stage. So far as the second punishment is concerned, this Court disposed of the matter granting liberty to the petitioner to approach the appellate authority and the appellate authority was directed to examine the same and pass appropriate order. Thereafter the order impugned i.e. the order contained in Memo No.461 dated 12.06.2008 was passed, which has been assailed by filing the present writ petition.

On perusal of the impugned order, it is evident that the punishment of recovery of Rs.11,868/- was set aside by the appellate authority. On going through the order impugned, the Court is of the opinion that there was no reason to assail the said order before this Court. Since the relief, which has been sought for



in the present writ petition, was already allowed by the appellate authority. Since in the present writ petition, a prayer has also been made regarding his promotion, in absence of any representation filed by the petitioner demanding justice for grant of promotion, the Court feels it difficult to examine the same. However, if so advised, the petitioner may approach the concerned authority regarding his claim for promotion. The writ petition stands disposed of.

If such representation is filed by the petitioner before the competent authority regarding his limited prayer for promotion within a period of six weeks from today, the Court expects that the competent authority may examine the same and pass appropriate order in accordance with law preferably within a period of three months from the date of filing of such representation.

It goes without saying that this Court has not recorded any opinion on merit of the case.

(Rakesh Kumar, J)

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