

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7247 of 2009

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Sheo Kumar Singh, son of Late Rameshwar Singh, Resident of Village Kalayanawadih, P.S.- Chatra in the District of Chatra.

Presently posted as Assistant in the Office of the District Manager, Bihar State Food and Civil supplies, Chaibasa.

.... Petitioner

Versus

1. The Bihar State Food and Civil Supplies Corporation, Son Bhawan, 5th Floor, Bir Chand Patel Path, Patna, through the Managing Director.
2. The Managing Director, Bihar State Food and Civil Supplies Corporation, Son Bhawan, 5th Floor, Bir Chand Patel Path, Patna.
3. The Chief of Administration, Bihar State Food and Civil Supplies Corporation, Patna.
4. The State of Jharkhand through Principal Secretary, Department of Food and Consumer Protection, Jharkhand, Ranchi.
5. The Food and Civil Supplies Corporation, Jharkhand through its Managing Director, Jharkhand, Ranchi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Bishnu Kant Dubey, Advocate
For the B.S.F.C. : Mr. Shailendra Kumar Singh, Advocate
For the J.S.F.C. : Mr. Dhruv Mukharjee, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-02-2018

Heard learned counsel for the petitioner, learned counsel for the Bihar State Food and Civil Supplies Corporation and the Food and Civil Supplies Corporation, Jharkhand.

2. In this case, the petitioner is seeking grant of promotion to the post of Assistant Manager in the pay scale of Rs.5500-9000/- as having claimed that the persons below Arbind Kumar Singh, at serial no.282, are his juniors but ignoring the same, vide order dated



28.02.2009 they have been granted the benefit of promotion though the petitioner is senior to them having been ignored.

3. The petitioner was an employee of the Bihar State Food and Civil Supplies Corporation (hereinafter referred to as "*the Corporation*"). The Corporation was bifurcated vide Notification dated 04.02.2016 with effect from 14.11.2000, thereby the assets and liability have been divided in the ratio 3:1. The petitioner had superannuated from the post of Senior Assistant in the year 2011 from Chaibasa i.e. before the Notification was passed.

4. The primary facts are required to be noted that the Corporation were taking the work on higher posts from outsiders, depriving the insiders to hold the higher posts, the Employees Association approached this Court in C.W.J.C. No. 16210 of 2006, where the grievance was made that they were deprived of the higher posts and the Corporation was bringing the persons from outside, thereby depriving their rightful claim. During the argument, the undertaking was given by the Corporation that they would consider the case of the insiders on the rest of the vacancies. In pursuance thereof, the Notification dated 28.02.2009 has been issued for the post of Assistant Manager in the pay scale as stated above, but the case of the petitioner has been ignored for promotion. The petitioner filed representation unsuccessfully.



5. There is no denial of the fact that certain persons who are below the petitioner in the list having been promoted. It is well known principle of law that unless there is some allegation or any punishment has been inflicted upon the person the senior person cannot be ignored for the promotion to the next higher grade when the juniors have been granted the benefit of promotion, as having been claimed that large number of persons below the petitioner have been promoted ignoring his claim.

6. In such view of the matter, this Court directs the petitioner to file a representation to the Managing Director, Food and Civil Supplies Corporation, Jharkhand, Ranchi. This Court further directs the Managing Director, Food and Civil Supplies Corporation, Jharkhand, Ranchi, to consider the case of the petitioner and take decision within a period of four (4) months from the date of filing of representation by the petitioner.

7. With the aforesaid observations and directions, this writ petition is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	26.02.2018
Transmission Date	N/A.

