

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15826 of 2011

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Ram Adhar Das S/O Late Saryug Ram R/O Village - Pakaulia, P.O. Ganghara, P.S. Danapur, Distt. Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE COMMISSIONER, ANIMAL HUSBANDRY DEPTT; BIHAR GOVT., PATNA, BIHAR
3. THE DIRECTOR, ANIMAL HUSBANDRY DEPTT., BIHAR GOVT., CENTRAL RANGE, PATNA, BIHAR
4. THE REGIONAL DIRECTOR (A.H.) CENTRAL RANGE BIHAR GOVT., PATNA, BIHAR
5. THE SPECIAL DEPUTY DIRECTOR, DEPT. OF ANIMAL HUSBANDRY, LARGE ANIMAL DEVELOPMENT PROJECT, HEAD QUARTER, ARA, BIHAR

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Prasad. Singh
For the Respondent/s : Mr. Sushil Kumar Singh, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

9 20-11-2018 Heard learned Counsel for the petitioner and the learned Counsel for the respondent State.

The admitted position as emerges from the record is that there is nothing on record to deny the petitioner's consideration for promotion prior to issuance of charge memo on 21.6.2011 in Vigilance Case No. 11 of 2001.

The Apex Court in the case of *Union of India & ors. vs. K.V.Jankiraman*, reported in *1991 (4) SCC 109*, has held that the date of initiation of departmental proceeding is from the date of issuance of charge memo and the date of initiation of criminal proceeding is taken to be the date of issuance of



charge-sheet, which in the instant case is 21.6.2001. Since prior to the said date the petitioner could not have been denied any due promotion, the respondent authorities should take a final decision on the representation dated 20.6.2011, which is annexed to the writ petition, in the light of the aforesaid position of law.

Let the final decision be taken on the petitioner's claim within a period of eight weeks from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J.)

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