

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.344 of 2016

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1. Om Prakash Son of Nagendra Prasad Resident of village - Mashiha, Police Station Andi, District - Nalanda at Present Posted as Senior Superintendent(ELEX) at Gaya Airport, District Gaya

.... Petitioner/s

Versus

1. The Union of India
2. The Principal, Civil Aviation Training College, Allahabad
3. R.N. Srivastava, G.M. (H.R.), ANS/CPLO, AAL, New Delhi
4. The Executive Director (P & A) AAI, CHQ, New Delhi
5. The Regional Executive Director, AAL, ER, NSCHI, Airport, Kolkata
6. The Deputy General Manager (HR), ANS, Airport Authority of India, New Delhi

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanchay Srivastava, Adv. Mr. Binay Kumar, Adv.
For the Respondent/s	:	Mr. S.D Sanjay, Addl. Soc. Gen.
For the respondent No.	:	Dr. Pankaj, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 21-08-2018

Although a number of reliefs have been prayed in this writ petition but in substance the petitioner is aggrieved by the order of promotion enclosed at Annexure-8 which is dated 23.04.2014. The reason for such challenge is that according to the petitioner, these 12 persons named in the list, are juniors to the petitioner. The seniority list enclosed in the writ petition, is being relied upon for the purpose. It is taking note of the grievance raised by the petitioner that juniors to him have been promoted to the post of Assistant Manager ignoring his claim, that the respondent Airport Authority of India was directed to



file their counter affidavit.

An exhaustive counter affidavit is filed and paragraph 9 of the said affidavit would put an end to the challenge because it is mentioned by the respondents that the seniority list of Senior Superintendent (Electronics) prepared on 01.01.2014, a copy of which is enclosed at Annexure-R/B to the said affidavit would confirm that all these persons who were promoted vide Annexure-8, are senior to the petitioner. It is submitted by Dr. Pankaj appearing for the Airport Authority of India that since the persons at Serial No.1 to 4 did not fulfill the eligibility they were not promoted and it is the Senior Superintendents from Serial No. 5 to 16 who were found fit for promotion as Assistant Manager and have been granted promotion. In reference to the position explained in paragraph 9.02, it is submitted that none junior to the petitioner has been promoted. The submissions so made at paragraph 9.02 of the affidavit, goes uncontested and thus the grievance of the petitioner that juniors to him have been promoted, loses its force.

According to Dr. Pankaj, the promotions were made as per the vacancies available at the relevant time but he is not in a position to inform whether or not any vacancies have arisen on the post subsequently for consideration of promotion of those, who were down below in the list. While the legal position as regarding a claim for



promotion stands well settled and though no one can claim a promotion as of right, yet considering that the promotions in question had taken place as back as in 2014, definitely a lapse of 4 years is good enough period for the issue to be addressed upon by the authorities. While thus allowing liberty to the petitioner to raise his claim for consideration of his case for promotion against the vacancies that may have arisen, before the appropriate authority concerned, I am not persuaded to grant any other indulgence on the issue raised herein especially, in view of the stand so taken by the Airport Authority of India.

It goes without saying that any such grievance raised, would be considered by the authority concerned and disposed of in accordance with law within a period of 3 months of its filing.

With the liberty aforementioned, the writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.08.2018
Transmission Date	NA

