

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13344 of 2010

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Kamod Prasad S/O Late Anir Prasad Singh R/O Vill.- Chapra, P.S.- Kanti In
The District Of Muzaffarpur, At Present Posted As Inspector Of Police, Arrah,
Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar, Through The Secretary Home (Police) Department,
Bihar, Patna
2. Director General And Inspector General of Police Govt. of Bihar, Patna
3. Inspector General of Police (H.O. & Administration) Bihar, Patna
4. Sr. Superintendent of Police Patna
5. Superintendent of Police Arrah, Bhojpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Parasmani, Adv. Mr. Ajay Kumar, Adv.
For the Respondent/s	:	Mr. Sunil Kumar, AC to GP11

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 02-04-2018

Heard learned counsel for the parties.

In the present case, the petitioner was appointed as Sub-Inspector by way of direct recruitment. On account of departmental proceeding, he was not granted the benefit of promotion though he was exonerated from the departmental proceeding. As the petitioner was not given promotion, he approached this Court in C.W.J.C. No. 3424 of 2005 and this Court has recorded the fact that during dependency of this application, the petitioner was promoted to the post of Inspector of Police under order bearing Memo No. 5634/P-1 dated 10.12.2005, now the grievance only left is that he should be given promotion



on the post of Inspector of Police with effect from the date his juniors have been so promoted and disposed of the writ petition with a direction to the petitioner to file a representation before the appropriate authority. In pursuance thereof, the petitioner filed a representative for granting the benefit of promotion from the date his juniors have been given. On consideration of the representation, the petitioner has been granted benefit of promotion with effect from 20.1.2004.

In the present case, the limited grievance has been raised for grant of monetary benefit as he has been granted the notional benefit from the date his juniors have been given and he cannot be deprived for the same. In support of his submission, he has placed reliance on the judgment in the case of Md. Hafiz Vs. State of Bihar & Ors. reported in 2003 (2) PLJR 44 wherein identical issue was raised about entitlement of monetary benefit and the Court has approved that the person who is granted the notional benefit, he cannot be deprived of the monetary benefit.

In that view of the matter, this Court directs the respondents to give monetary benefit to the petitioner from 20.01.2004 and, in consequence, the petitioner will also be entitled to difference of pay within a period of three months from the date of receipt/production of a copy of this order.



With the aforementioned observation and direction, this writ petition is disposed of.

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.04.2018
Transmission Date	NA

