

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3314 of 2016

Arshad Zaman, S/o Md Badiuzzaman, R/o 504, Nandan Apartment, P.S. -
S.K. Puri, District - Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Deptt. of Home, Govt. of Bihar, Old Secretariat, Patna - 800015.
3. The Principal Secretary, Deptt. of Personnel and Administrative Reforms, Government of Bihar, Patna
4. The Dy. Secretary, Deptt. of Home (Police), Government of Bihar, Patna.
5. The Director General of Police, Bihar, Old Secretariat, Patna - 800015.
6. The Inspector General of Police, Bihar, Old Secretariat, Patna - 800015.
7. The Dy. Inspector General of Police, Head Quarter, Old Secretariat, Patna - 800015.
8. The Senior Superintendent of Police, Patna.
9. The City Superintendent of Police, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr Mallika Nawal, Advocate
For the Respondent/s : Mr Ravinder Kumar, AC to AAG VI

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 18-04-2019

Heard learned counsel for the petitioner and the respondent-State.

2 The issue, which emerges in course of today's proceedings and which is based on the affidavits on record, is that the benefit under second Assured Career Progression Scheme has already been granted to the petitioner.



3 Uptill the year 2007, it is the specific stand of the State-respondents that petitioner did not come in the zone of consideration for promotion to Senior Deputy Superintendent of Police. In the year, 2008, however, he has been denied consideration on account of pendency of departmental proceeding. Charge memo was served on him on 16.11.2006. Owing to pendency of the departmental proceeding, the Promotion Committee had met on 29.04.2008, 14.05.2008 and 04.02.2010 but it recommended to keep the post reserved for the petitioner.

4 Learned counsel for the petitioner relies upon Notification issued in favour of one Shri Raj Kumar Yadav to contend that during pendency of proceedings, the respondent-authorities are granting promotion on ad hoc basis subject to result of the pending proceedings. The Notification is dated 15.03.2016 and has been brought on record by way of rejoinder to the counter affidavit filed recently.

5 In view of the said Notification dated 15.03.2016, the learned counsel for the respondent-State submits that the Authority would examine whether similar benefit can be extended to the petitioner having regard to parity in respect of all factors. After taking into consideration all factors, decision, in this regard, would be taken by the authorities in respect of the petitioner's claim for



promotions from the post of Deputy Superintendent of Police onwards on an ad hoc basis subject to result of the pending disciplinary proceeding.

6 In view of such submission, no further orders are required to be passed in the instant proceedings. The issue should be decided by respondent No 2.

7 Let the issue be considered and a decision be taken by respondent No 2 in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

8 Writ petition is disposed of.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2019
Transmission Date	NA

