

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2263 of 2019

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Vimal Kumar Shandilya S/o Late Guneshwar Thakur R/o 302-B
Raghavendralok Apartment , Near Devi Sthan Punaichak P.S Shashtri Nagar,
District – Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through The Chief Secretary Bihar Patna
2. Principal Secretary Home (Special) Department Bihar Patna
3. Director General cum Commandant General, Bihar Home Guards, Bihar Patna
4. Shri Jayant Kumar S/o not Known To the Petitioner Presently Posted and working in the Capacity of District Commandant-Cum-Divisional Commandant, Home Guards Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Abhinav Srivastava, Advocate.
For the Respondents : Mr. Manish Kumar (Gp4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 13-02-2019

Heard the learned counsel for the petitioner and the State.

2. The petitioner is aggrieved by his redesignation as Senior District Commandant in P.B.3+Grade Pay 6600 as prior to such redesignation, he had already been promotion to the post of Divisional Commandant.

3. Mr. Abhinav Srivastava, learned advocate for the petitioner has submitted that by virtue of an amendment in the Bihar Home Guard Service Rules, 2005, which amendment has come into force with effect from 19.08.2016, the commandant cadre of Rule 4(1) of the Bihar Home Guards Service Rules, 2005 has been substituted by a different set/hierarchy of posts in the



cadre of the commandants. The petitioner was posted as Senior District Commandant which is a promotional post and is equivalent to Senior Deputy Superintendent of Police whereafter he was promoted to the post of Divisional Commandant which is equivalent to the post of Additional Superintendent of Police by order dated 21.03.2012. With the amendment in the rules which came into effect on 19.08.2016, the post of the petitioner has been redesignated as Senior District Commandant.

4. Learned Counsel for the petitioner has submitted that in the garb of redesignation, even though the petitioner has been afforded the same pay, he has been demoted to a lower post.

Though after some reluctance, the aforesaid plea has not been pressed for the reason that with redesignation of the petitioner as Senior District Commandant he was put in the same pay scale which he was getting earlier and thus the allegation of demotion does not appear to be correct.

5. In any view of the matter, learned counsel for the petitioner has raised objections to the fact that persons who are junior to him in the cadre of Senior District Commandant and who were also promoted to Divisional Commandant and later redesignated as Senior District Commandant were again given promotion on the higher post. The petitioner has taken reference of private



respondent no. 4 who earlier was below the petitioner in the seniority list but has later been promoted to the post of Divisional Commandant. There are other examples also which the petitioner has been able to show from the records of this case.

6. A representation for removing such anomaly and for redressal of grievances of the petitioner was made before the Director General-cum-Commandant General, Bihar Home Guards, Bihar, Patna but the same has not been responded as yet.

7. Under the aforesaid circumstances, this Court directs the petitioner to file a fresh representation before the Director General-cum-Commandant General, Bihar Home Guards, Bihar, Patna (respondent no. 3) within a period of two weeks from today. On receipt of such representation, the same shall be disposed of by a reasoned order by respondent no. 3 within a period of three weeks thereafter.

8. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.02.2019
Transmission Date	

