

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13073 of 2014

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Parmeshwar Baitha, son of Shri Vakil Baitha, resident of Village – Jafarpur,
PS – Bheldi, District - Saran

... .. Petitioner/s

Versus

- 1 The State of Bihar through its Principal Secretary, Department of Water Resource Sichai Bhawan, Old Secretariat, PS – Sachivalaya, District – Patna
- 2 The Secretary, Minor Water Resource Department, Government of Bihar, Vikas Bhawan, Patna
- 3 The Joint Secretary (Prabandhan), Water Resource Department, Government of Bihar, Old Secretariat, Sichai Bhawan, Patna
- 4 The Joint Secretary, Minor Water Resources Department, Government of Bihar, Vikas Bhawan, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Tuhin Shankar, Gopal Kr, Advocates
For the Respondent/s : Mr Yogendra Pd Sinha, AAG XV

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 09-07-2019 Heard Mr Tuhin Shankar for the petitioner. None appears on behalf of the State.

The petitioner has filed this writ petition claiming the benefit of promotion to the post of Superintending Engineer on an independent charge, which he submits, has been granted to his batch mates and juniors with effect from 27.06.2014. The petitioner's counsel submits that he has instructions that the consideration has been denied by the Departmental Promotion Committee (for brevity, DPC) on 27.06.2014 on account of a charge memo dated 28.06.2014 bearing Memo No 4499 issued under the signature of Deputy Secretary, Minor Irrigation



Department which has come into existence much after the DPC had taken up the petitioner's case for consideration along with the other persons. Relying upon decision of the Apex Court in the case of Union of India & Others -Versus- K V Jankiraman & Others, (1991) 4 Supreme Court Cases 109, learned counsel for the petitioner submits that if there was no pending proceeding, the authorities were required to act upon the reasons/assessment made by the DPC and the petitioner's promotion could not have been withheld or kept in sealed cover due to subsequent charge memo dated 26.08.2014.

Submissions based on the citation referred to by the learned counsel for the petitioner cannot be disputed as a proposition of law. However, this Court is not aware that on 17.06.2014, whether there was any impediment other than charge memo dated 26.08.2014 in way of petitioner's claim for promotion. The issue, therefore, has to be considered by the authorities themselves.

If there is no impediment other than the charge memo dated 26.08.2014 referred to by the learned counsel for the petitioner in the proceedings today, then the result/assessment of the DPC dated 17.06.2014 should be acted upon by the respondent-authorities.



The matter should be looked into by respondent No 2
in light of the observations contained in the instant order.

Final decision should be taken by respondent No 2
expeditiously, without any undue delay and preferably within
three months from the date of receipt/production of a copy of
this order.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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