

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9560 of 2009

=====

Vidya Sagar Pd.Shrivastava son of Late Hari Sarish Lal, resident of Sherganj
(Bara) Bord No. 17, PS-Sasaram, District-Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Commissioner-cum-Secretary, Urban Development Department,
Government of Bihar, Patna.
3. The District Magistrate, Sasaram.
4. The Executive Officer, Nagar Parishad, Sasaram.
5. The Special Officer, Nagar Parishad, Sasaram.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mrs. Jahan Ara, AC to GP-14

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 01-02-2019

No one appears on behalf of the petitioner and Sasaram Nagar Parishad, but the learned counsel for the State is present and on the assistance given by the learned counsel for the State, this petition is being disposed of on its merit.

2. In the present case, the petitioner has claimed the benefit of grant of promotion to the post of selection grade Assistant and further direction to the respondents to give all benefits after revision on the aforesaid post.

3. The fact of this case is, the petitioner was appointed on 18.12.1967 on the post of Lower Division Clerk by a competent authority and he joined accordingly on 18.12.1967, promoted as Health Inspector in the scale of Rs.220-315 with immediate effect vide order dated 23.09.1982 passed by Executive Officer, Nagar Palika, Sasaram



and since then, he has been discharging duty on the post of Health Inspector to the satisfaction of the concerned authorities and there is no complain against him from any corner.

4. The Finance Department in its resolution dated 30.12.1981 decided that the employees, who were appointed, must be granted at least two promotions during their service career while discharging duty in the government service, first by ten years and second by twenty five years of service.

5. It has been stated in the petition that the petitioner has been discharging duty on the post of Health Inspector since 23.09.1982 more than 14 years and whereafter he has not been granted promotion after completion of 25 years of service. The Nagar Palika, Sasaram has prepared a seniority list of class-III employees and the name of this petitioner is standing at serial no.10. The petitioner time to time had represented for his promotion to the next level, but he has been deprived of the benefit either granting the benefit of promotion or stepping-up the scale to the next higher level. He has given an example of two persons, namely, Bibhuti Bhushan Pathak who was appointed as Health Inspector and subsequently he has been promoted to the Head Assistant in clerical cadre and lastly he retired while holding the post of Head Assistant. He has further given example of one Kalam Ajad who was posted as Amin in Nagar Parishad Sasaram. The Promotion Committee in its meeting dated 29.01.2017 decided, there is no post available for promotion of Amin in Nagar Parishad, then they decided to give the



high scale of pay of Rs.1200-1800 to Kalam Ajad, but he has been left in high and dry claiming that he, time without number, knocked the door of the Nagar Parishad by filing a representation but returned with empty hand. In the counter affidavit, Nagar Parishad has not denied the factual aspect which has been stated in the petition as well as example which has been given by the petitioner about two persons as mentioned above.

6. In such view of the mater, this Court directs the authority if the representation of the petitioner is available on record, the authority without wasting unnecessary time will dispose of the same within six weeks from the date of receipt or production of a copy of this order, in addition, the petitioner is also directed, he may also file a fresh representation narrating his claim, the authority in turn will consider the same and take decision accordance with law.

7. With the above observation and direction this application is disposed of.

(Shivaji Pandey, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.02.2019
Transmission Date	N/A

