

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14654 of 2011

CHANDRA BHUSHAN RAJAK S/O Late Jaggu Rajak R/O Vill.-Sultanpur,
P.S. Desari, Distt.-Vaishali.

... .. Petitioner

Versus

1. THE STATE OF BIHAR through Chief Secretary, Govt. of Bihar Patna
2. The Director General Cum Inspector General Of Police, Bihar, Patna.
3. The Inspector General Of Police Head Quarter And Administration Bihar, Patna.
4. D.I.G. Of Police Personnel Bihar, Patna.
5. The D.I.G. Rail Administration, Bihar, Patna.
6. Addl. D.G.P. Rail Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Dharmendra Kumar Paswan Smt. Sarita Bajaj
For the Respondent/s	:	Mr. Ajay GA 5 Mr. Ashish Kumar Lal, AC to GA 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 16-09-2019 Heard learned Counsel for the petitioner and the learned
Counsel for the respondent State.

Writ petition was filed assailing the order dated 23.7.2010 rejecting petitioner's claim for promotion as Deputy Superintendent of Police (Dy. SP for short). The authorities have considered the petitioner's claim treating him to be an Inspector of Police with effect from 20.1.2004.

Petitioner's Counsel points out with reference to I.A. No. 1729 of 2014 filed in the instant proceedings that promotion now as per order dated 27.11.2012 (Annexure 2 to the I.A.) has been shifted back with effect from 21.9.1998. Shifting back of the promotion to



the post of Inspector would entitle the petitioner to claim higher post of Dy SP upon fulfillment of required *kalawadhi* and other requirement now which has to be considered with effect from 21.9.1998 in stead of 20.1.2004.

Counsel for the petitioner further submits that in view of retirement of the petitioner in the meantime at best the petitioner now would get notional/consequential benefits on account of due promotion as Dy SP considering his case having regard to his promotion as Inspector with effect from 21.9.1998.

In view of aforesaid submission, consideration now has to be done by respondent No. 3 having regard to petitioner's promotion as Inspector under order dated 27.11.2012 (Annexure 2 to the I.A.)

The petitioner would be at liberty to make a detailed representation before respondent No. 3 setting out his claim with reference to fulfillment of the conditions for grant of promotion to the post of Dy SP in light of his posting as Inspector with effect from 21.9.1998.

Let the petitioner file a detailed representation before respondent No. 3 within eight weeks. In the event the same is done, respondent No. 3 would consider petitioner's claim in accordance with law and grant due consequential benefits within a period of three months thereafter.

The writ application stands disposed of.

(Madhuresh Prasad, J)

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