

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18054 of 2019

Dr. Anand Kumar Son of late Ram Lakhan Sharma, Resident of 5/6, North S.K. Puri, P.S. S.K. Puri, Patna- 800013 at Present Posted as in-charge Divisional Deputy Commissioner, Patna-Cum-Magadh Divisions, Department of Prohibition and Excise, Government of Bihar, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Additional Chief Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, Ist Floor, Jawaharlal Nehru Marg, Patna- 800015
3. The Joint Secretary, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, Ist Floor, Jawaharlal Nehru Marg, Patna- 800015
4. The Commissioner, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, Ist Floor, Jawaharlal Nehru Marg, Patna- 800015
5. Shri Sri Krishna Paswan, Son of late Shobhi Paswan at Present Posted as Joint Commissioner, Department of Prohibition, Excise and Registration, Government of Bihar, Vikash Bhawan, Ist Floor, Jawaharlal Nehru Marg, Patna- 800015

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Respondent/s : Mr.Vivek Prasad (GP-7)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-09-2019 This writ application has been filed seeking direction to the respondents to grant the petitioner promotion to the post of Assistant Commissioner, Deputy Commissioner and Joint Commissioner with effect from the dates his junior, respondent No.5 has been given such promotions.

2. The petitioner was initially appointed as an Inspector in the Department of Prohibition & Excise. He was



promoted as Superintendent in the year 1999. He has superannuated with effect from 31.08.2019. When the petitioner was in the rank of Inspector, Respondent No.5, who was junior to him in the merit list, was promoted. It is petitioner's case that thereafter at the behest of respondent No.5, five departmental proceedings were initiated against the petitioner and in four of them he himself was made the conducting Officer. He unreasonably delayed the conclusion of the departmental enquiry and because of the pendency of the disciplinary proceeding, the petitioner's promotions to subsequent higher posts were withheld, whereas respondent No.5 was granted promotions.

2. It is further submitted that as on date the petitioner has been exonerated in all the departmental proceedings except one in which only warning has been issued. In the aforesaid background, the petitioner claims that his case for promotion should now be considered, and he should be allowed promotion with effect from the date the respondent No.5 was promoted to the above noted posts.

3. In my opinion, it is late in the day for the petitioner to raise his claim. The respondent No.5 was admittedly allowed promotion in 2009 and subsequently in 2012. If according to the



petitioner, his promotion was wrongly withheld, he could have approached the authority immediately after or within a reasonable time from the date when some junior to him was allowed promotion.

4. I am not inclined to entertain petitioner's claim at this belated stage. The petitioner should have approachd the authorities, by filing representation, which too he did not do.

5. This order refusing to entertain petitioner's claim will not come in the way of the authorities considering his claim.

6. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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