**IN THE HIGH COURT OF JHARKHAND AT RANCHI**
**L. P. A. No. 740 of 2018**
**With**
**I.A. No. 842 of 2019**
**With**
**I.A. No. 843 of 2019**

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1. Bharat Coking Coal Limited, a Company incorporated under the Companies Act, having its Head Office at Koyla Bhawan, PO & PS-Koyla Nagar, District-Dhanbad (Jharkhand) through its Chairman-cum-Managing Director and through its General Manager (P)/Legal Sri Santosh Kumar Singh, aged about 57 years, son of Late Ramayan Singh, residing at Manas Kunj Sarvodaya Nagar, Chiragora, PO+PS & District-Dhanbad (Jharkhand)
2. Chief Personnel Manager, Directorate of Personnel, Headquarters, Bharat Coking Coal Limited, Koyla Bhawan, PO & PS-Koyla Nagar, District-Dhanbad (Jharkhand)
3. Chief Personnel Manager, (NEE), Personnel Department, Headquarters, Bharat Coking Coal Limited, Koyla Bhawan, PO & PS-Koyla Nagar, District-Dhanbad (Jharkhand)
4. General Manager, Lodna Area of BCCL at Jeenagora, PO & PS-Jeenagora, District-Dhanbad (Jharkhand)
5. Superintending Engineer (E&M), D.G. Station of BCCL, at Jeenagora, PO & PS- Jeenagora, District-Dhanbad (Jharkhand)

.... .... **Appellants**

Versus

Ramchandra Tiwari, son of Late Awadhesh Tiwari, resident of Sahjanand Nagar, Barmasia, PO-Dhanbad, PS-Dhansar, District-Dhanbad, PIN 828106 (Jharkhand)

.... .... …. **Respondent**

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**CORAM: HON'BLE THE CHIEF JUSTICE**
**HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD**

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For the Appellants : Mr. Amit Kumar Das, Advocate
For the Respondent : Mr. Siddharth Roy, Advocate

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**Oral Order**

**13 / Dated : 09.12.2020**

With consent of the parties, hearing of the matter has been done through video conferencing and there is no complaint whatsoever regarding audio and visual quality

We have heard the parties.

Supplementary affidavit dated 01.12.2020 has been filed on behalf of the appellants.

Mr. Amit Kumar Das, learned counsel for the appellants has submitted that this appeal was filed for the sole reason that, as per the direction of the learned Single Judge, since the vacancies were not identified at that point of time, it was not possible to constitute a DPC only for one candidate. It has further been stated in paragraph-5 of the supplementary affidavit that the DPC could be conducted only after the vacancies are identified in the manpower budget.

However, at the same time, in paragraph-6 of the supplementary affidavit it has been stated that during the pendency of this appeal, fresh vacancies have been identified and a DPC has been constituted for considering the cases of eligible candidates for promotion and the name of the writ petitioner has also been included in the list of eligible candidates for consideration vide Letter No. BCCL/PERS/NEE-RECT/2020/14022 dated 30.09.2020.

Accordingly, it appears that since the writ petitioner is now being considered in the DPC as per the direction of the learned Single Judge given in the impugned order, this appeal has now become infructuous to which both the parties agreed.

However, we would make clear that, while considering the case of the writ petitioner, the observations of the learned Single Judge made in paragraph-6 should be considered by the DPC.

Accordingly, this appeal is dismissed having become infructuous. Consequent thereto I.A. No. 842 of 2019 and I.A. No. 843 of 2019 also stands disposed of.

**(Dr. Ravi Ranjan, C.J.)**

**(Sujit Narayan Prasad, J.)**

VK/AKT