

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6057 of 2020

Vashishth Narain Son of Late R.V. Ram, resident of Village - Kazipur, P.S. Simri, District- Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Road Construction Department, Bihar, Patna.
3. The Special Secretary, Road Construction Department, Bihar, Patna.
4. The Deputy Secretary (Vigilance), Road Construction Department, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Prabhu Nath Pathak, Advocate
For the Respondent/s : Mr.Manoj Kr. Ambastha (SC26)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 13-12-2021

Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

“For directing the respondent to consider for ad-hoc promotion against the post of Engineer-in-Chief, Road Construction Department, Bihar, Patna in light of Circular dated 11.09.2002 issued by the Personnel and Administrative Department which provides that where a disciplinary proceedings/criminal case remains pending for more than two years, the case of the Government servant is required to be considered for ad-hoc promotion and the pendency of the criminal case shall not come in the way of the ad-hoc promotion but the Respondent authority has not considered the petitioner for promotion to the post of Engineer-in-Chief on the ground of pendency of



criminal case since, 2006 i.e. more than 14 years.”

Short question for consideration in the present petition is whether the petitioner is entitled to be promoted to the post of Engineer-in-Chief or not?

Undisputedly, no disciplinary proceedings are pending against the petitioner. On the other hand, he is facing criminal proceedings and it is pending consideration for more than two years. In this backdrop, whether the petitioner is entitled to be promoted on *ad hoc* basis in terms of the Circular at Annexure-11 dated 11.09.2002 in view of Clause 5.

The State Government is hereby directed to examine the petitioner’s grievance for the purpose of promotion to the post of Engineer-in-Chief on *ad hoc* basis in terms of Circular read with fact that criminal proceedings is pending for more than two years. Such a decision shall be taken within a period of two months from the date of receipt of this order.

With the aforesaid observations, the writ petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

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

