

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11384 of 1998

RAMA KANT RAM, S/o Shri Grahana Ram, Resident of Bhaluan, P.S. Barharia, District-Siwan, presently posted as Officer-in-charge, Bariatu Police Station, Ranchi, District - Ranchi.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Director General of Police-cum-Chairman, Departmental promotion committee, Bihar, Patna.
3. The Inspector General of Police (Administration) – cum-member, Departmental Promotion Committee Bihar, Patna.
4. The Inspector General of Police (Special Branch)-Cum-member Departmental Promotion Committee, Bihar, Patna.
5. The Inspector General of Police (Crime Investigation Department)-Cum-member, Departmental promotion committee, Bihar, Patna.
6. The Deputy Inspector General of Police (Head quarter), Cum- Member, Departmental Promotion Committee, Bihar, Patna.
7. The Additional Inspector General of Police (personnel) Cum-Member Secretary, Departmental Promotion Committee, Bihar, Patna.
8. The Deputy Inspector General of Police, Champaran Range, Bettiah

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate
For the Respondent/s	:	Mr. S.D. Yadav, AAG 9
	:	Mr. Nagendra Kumar AC to AAG 9

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 16-12-2021

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

“That this is an application for issuance of a writ in the nature of mandamus or any other appropriate writ/rule/direction commanding upon the respondent authorities to appoint the petitioner on the post of Inspector of Police by giving him promotion under the reserve Category of Scheduled caste from the date on which his juniors have been promoted i.e. 26.9.95.”



On 9.12.2021, the following order was passed.

“In para 9 of the supplementary counter affidavit filed by Meenu Kumari, the State of Bihar admitted that the petitioner is entitled to retrospective promotion to the post of Inspector of Police at par with his junior, who has been promoted.

On the other hand, the State of Bihar/Police department is shirking from its responsibility in promoting the petitioner at par with his junior and tried to burden the State of Jharkhand to consider the grievance of the petitioner.

In the present case, the crucial date is whether petitioner is entitled for promotion to the post of Inspector of Police w.e.f. 26.09.1995, as on that date the State of Bihar was not bifurcated. Therefore, the Police Department, State of Bihar are hereby directed to issue promotion order on the post of Inspector of Police w.e.f. 1995 before the next date of hearing, failing which the Deputy Inspector General of Police, Champaran Range, Bettiah is hereby directed to appear in person with all records.

List this matter on 16.12.2021.”

Today, learned counsel for the State on instruction submitted that petitioner has been promoted to the post of Inspector with effect from 26.09.1995. In the result, petitioner is entitled to consequential monetary benefits during the period from 26.09.1995 to 15.11.2000, the date on which State of Bihar was bifurcated into State of Bihar and State of Jharkhand. In this regard, Deputy Inspector General of Police (Personnel), Champaran Range, Bettiah is hereby directed to calculate and fix the pay of the petitioner in the post of Police Inspector and calculate difference of pay from 26.09.1995 to 15.11.2000 and



release the same within a period of two months from today. Consequently petitioner is at liberty to approach the Police Department of State of Jharkhand since he had opted for State of Jharkhand on account of bifurcation of State of Bihar on 15.11.2000. The petitioner is at liberty to submit necessary detailed representation relating to payment of difference of salary in the post of Police Inspector and further corresponding revised pension if the petitioner has attained age of superannuation and retired from service as on today to the Police Department, State of Jharkhand.

With the above observations, petition stands disposed off.

If the arrears of salary was not paid to the petitioner by Home Department of State of Bihar within the aforesaid period, petitioner is entitled to interest @ 6 % per annum on arrears amount.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

