

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19671 of 2014

Radhakant Kumar Son of Sri Ram Chandra Paswan Resident of Village-
Bandhuganj,P.S-Ghoshi,District-Jehanabad ... Petitioner
Versus

1. The State Of Bihar
2. The Principal Secretary,Environment and Forest Department,Government of Bihar,Patna
3. The secretary,Environment and Forest Department,Government of Bihar,Patna
4. The Under Secretary Environment and Forest Department,Government of Bihar,Patna
5. The Departmental Enquiry Commisioner, Bihar, Patna ... Respondents

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar, Adv.
For the Respondent/s : Mrs. Archana Meenakshee, GP VI

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

3 12-12-2022 Heard the parties.

The petitioner by way of this writ petition has prayed
as under :

“That the present writ application is being filed for quashing the letter No. 1490 dated 26.5.14 issued by respondent no. 3 by which the claim of the petitioner for grant of Pay Scale P.B. 3 grade Pay-6600 has been denied (Annexure 4) after filing a representation by the petitioner, in light of a notification issued under signature of respondent no. 4 bearing memo No. 1150 dated 24.4.14 in which the Juniors to the petitioner and illegal appointees have been granted pay scale PB-3 grade pay-6600 (except one namely, V.N. Prasad, Sl. No. 1) (Annexure 1) inspite of the facts that matter of gradation list is pending for judgment



bearing C.W.J.C. No. 11160/10 before Hon'ble High Court in which some persons who have granted pay band are also impleaded as parties and also to grant pay scale P.B-3 grade Pay-6600 and above Pay Scale of conservator of forest on which the petitioner is working since 2007 itself. And other relief/reliefs for which he is entitled under facts and circumstances of the case.”

Learned counsel for the petitioner submits that the petitioner has been denied promotion on the ground that the promotion committee recommended the promotion pending on account of departmental proceedings. Learned counsel submits that the departmental proceedings are frivolous, fabricated and concocted. On account of the departmental enquiry the petitioner has been denied his promotion. He has attained superannuation in 2020.

On a pointed query made by this Court with regard to the outcome of the departmental proceedings learned counsel claims ignorance. However, he claims that the petitioner ought to be given promotion.

In reply, it is stated that the departmental promotion committee met on 26.02.2014 and found two officers not fit for promotion and the promotion of the petitioner was kept pending on account of departmental proceedings initiated against him.



As the petitioner has already attained superannuation, the result of the departmental enquiry being not known, no relief can be granted to the petitioner as the law is well settled in the judgments passed in the Union of India & Ors. Vs. K.V. Jankiraman & Ors. reported in (1991) 4 SCC 109 and Bhajan Singh Vs. State of Uttarakhand & Ors. reported in (2013) 14 SCC 32 that if a person is facing departmental enquiry he can not be granted promotion and his case has to be kept in sealed cover. It is made clear that if the petitioner is exonerated in the departmental enquiry, the sealed cover shall be opened and accordingly the consequences shall follow.

The writ petition is accordingly disposed of. No costs.

(Sanjeev Prakash Sharma, J)

Shamshad/-
Item No. 8

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