

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11606 of 2021

Deomuni Ram Son of Late Radha Mohan Ram resident of Village Kaithi, Police Station Sanjhauli, in the District of Rohtas, at present posted as Executive Engineer, Waterways Circle, Gaya retires as Technical Advisor, Waterways Circle, Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Commissioner-cum- Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Joint Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Departmental Promotion Committee through its Chairman, Bihar Public Commission, Bailey Road, Patna.
5. The Bihar Public Service Commission, through its Chairman, Bailey Road, Patna.
6. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
7. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Aditya Narayan Singh, Adv. Mr.Satyendra Narayan Singh, Adv.
For the State	:	Mr.Sudhir Kr. Upadhyay, AC to GP-7
For the Respondent/s	:	Mr.Agreya Pratap, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-04-2024 1. The present writ petition has been filed seeking the following relief(s):-

“1.i) For issuance of an appropriate writ in the nature of Mandamus, commanding and directing the respondent to grant promotion to the petitioner on the post of Superintending Engineer with effect from 1992 and thereafter promotion on the post of Chief Engineer w.e.f. 1997, since



juniors to the petitioner have been given promotion to the said posts and the petitioner was deprived mere on the reason that criminal proceeding was pending and further a direction to pay all the consequential monetary benefits on account of promotion to the post of Superintending Engineer & Chief Engineer. ii) For a direction to the respondents to pay the consequential monetary benefit with 12% interest since due to evasive attitude of the respondents, the petitioner suffered a lot.”

2. At the outset, the learned counsel for the petitioner submits that pursuant to the earlier round of litigation, the case of the petitioner was considered by the Departmental Promotion Committee of the Water Resources Department, Government of Bihar, Patna and by a joint decision dated 05.08.2010, it was observed that the case of the petitioner for promotion shall be considered after the final outcome of the pending Vigilance P.S. (Muzaffarpur) Case No. 24 of 1991, in which the petitioner is an accused, however, it is informed by the learned counsel for the petitioner that the petitioner has already been acquitted in the aforesaid criminal case, by a judgment dated 29.01.2018, passed by the Special Vigilance Court, North Bihar, Muzaffarpur, hence now there is no impediment in grant of promotion to the petitioner from the date his juniors have been granted



promotion.

3. Per contra, the learned counsel for the respondent-State submits that in view of the fact that the petitioner has stood acquitted in the aforesaid vigilance case, his case for promotion shall definitely be considered and the consequential benefits would also be paid within a fixed time frame.

4. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Commissioner-cum-Secretary, Water Resources Department, Government of Bihar, Patna, to consider the case of the petitioner for grant of promotion, with effect from the date his juniors have been granted promotion on the post of Chief Engineer, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt/production of a copy of this order.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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