

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18405 of 2022

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Kumar Ajit Singh Son of Late Indradeo Singh, Resident of B- 304, Sanjana Saswatam Apartment, Ara Garden Road, Near Jagdeopath, Baily Road, B.V. College, P.S. - Rupaspur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Secretary, General Administration Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh, Advocate
For the Respondent/s : Mr.Md. Nadim Seraj (GP-5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 23-04-2024 The present writ petition has been filed seeking the following reliefs:-

“1.To command and direct the Respondents to grant promotion to the Petitioner to the rank of Joint Secretary/equivalent rank with effect from the date his juniors were promoted inasmuch as punishment of reduction of his pension by 10% awarded under Letter No. 9396 dated 17.9.2009 has been withdrawn in compliance of Order dated 21.06.2018 passed in C.W.J.C.



No. 18055 of 2010. The Petitioner further prays for a direction to the respondents to consider his entitlement for consequent promotion to the post of Director with effect from the date his junior has been granted promotion.

(ii) To command and direct the Respondents to implement the recommendation of DPC dated 17.09.2004 and grant the Petitioner promotion to the rank of Joint Secretary/equivalent rank with reference to position assigned to him in the DPC dated 17.09.2004 and with reference to the date of promotion of his next/immediate junior with all consequential benefits i.e. arrears of salary of higher posts i.e. Joint Secretary/equivalent rank and further promotion to the post of Director and arrears of salary attached thereof along with other benefits from the date of promotion.

(iii) To command and direct the Respondents to sanction full salary for the period the Petitioner was



under suspension in view of Order dated 21.06.2018 passed in C.W.J.C. No. 18055 of 2010 and withdrawal of punishment vide Notification No. 1700 dated 03.02.2020 which have the effect of wiping out the adverse effect & consequences retrospectively.

(iv) To command and direct the Respondents to sanction of payment of part of gratuity of 16 months i.e. Rs. 2,80,000/- at revised rate, which remained due to the Petitioner."

2. At the outset, the learned counsel for the petitioner submits that the order of punishment of forfeiture of 10% pension inflicted upon the petitioner has been quashed by this Court by a judgment dated 21.06.2018 passed in CWJC No. 18055 of 2010 and the appeal filed by the respondents bearing LPA No. 1682 of 2018 has also been dismissed by the learned Division Bench of this Court by a judgment dated 06.02.2023, hence there is no impediment in consideration of the case of the petitioner for grant of promotion to the post of Joint Secretary/equivalent rank with effect from



the date his juniors have been granted promotion to the said post.

3. Having regard to the facts and circumstances of the case, I deem it fit and proper to direct the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna to consider the case of the petitioner for grant of promotion to the post of Joint Secretary/equivalent rank and pass 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.

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

(Mohit Kumar Shah, J)

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