

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4568 of 2018**

Upendra Prasad Gupta S/o Bhogi Lal Das, R/o Village- Madhuban Sadhupur,  
P.S.- Chopra Ramnagar, District- Purnia.

... .. Petitioner/s

Versus

1. Food Corporation Of India Through The Senior Regional Manager and Ors
2. Senior General Manager, Food Corporation of India, Regional Office, Patna.
3. General Manager Region, Food Corporation of India, Regional Office, Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Amish Kumar, Adv

For the Respondent/s : Mr.Prabhat Kumar Verma, Adv

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 02-01-2024**

Learned counsel for the petitioner and learned counsel for the State.

2. Counsel for the petitioner submits the vide Annexure-4 paragraph 10, the observations made by this Court is as follows.

*“I find that the respondent had granted him promotion on the post of Head Watchman in the year 2004, which he did not accept, as a protest of not having been given from retrospective date. Again for some reasons, he did not accept the promotion granted on 01.08.2007. The petitioner still till date has been denied promotion to the post of Head Watchman, as such I find it just and proper that the respondents should consider for grant of petitioner's promotion at the first instance w.e.f. 2004, which was granted to him earlier but was not accepted by the petitioner.”*

3. Counsel submits that in the light of the said observation by this Hon'ble Court, this Court has pleased to grant two reliefs. The first one is that the respondent should consider the grant of promotion at the first instance of year 2004 which was granted to him earlier which he did not accept. Thereafter, the



petitioner was directed to file a fresh representation to grant him promotion retrospectively as granted to the juniors.

4. Counsel for the petitioner accepts that due to inadvertence, representation has not been filed by him properly in compliance of order passed in C.W.J.C. No. 11554 of 2017 dated 27.06.2014.

5. Counsel for Food Corporation of India submits that petitioner has moved earlier for non-compliance of this order in M.J.C. and no direction was made in favour of the petitioner. This Court is very much surprised that why the petitioner has not opted to file the copy of the order passed of MJC before this Court. But, in the light of the disposal of the representation, this Court directs the respondent authorities i.e. Food Corporation of India to pass a reasoned order with regard to promotion of the petitioner in the peculiar facts and circumstances considering the Food Corporation of India Staff Regulation 1991 and any other further law, circular etc time being in force within 60 days from the date of production of the order.

**(Dr. Anshuman, J)**

Sunnykr/-

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