

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1327 of 2016

Arising out of

C.W.J.C. No. 1343 of 2014

- =====
1. The State of Bihar, through the Chief Secretary, Member, Board of Revenue, Bihar, Patna
 2. The Chairman of Departmental Promotion Committee
 3. The Secretary, Home Department, Bihar, Patna
 4. The Special Secretary/Joint Secretary, Administrative Reforms Department, Bihar, Patna
 5. The Inspector General of Police (Head Quarter), Bihar, Patna

.... Appellant/s

Versus

Sudhir Kumar Singh, S/o Late Parmesh Narain Singh Resident of Mohalla/village - Rajiv Nagar, Road No. 25 (B), Police Station Keshari Nagar, District - Patna, Retired Sr. Dy. S.P.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. M.N. H. Khan, S.C. -1
Mr. Md. Irshad, A.C. to S.C. 1
For the Respondent/s :

=====

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 31-07-2017



Delay of 137 days in filing of the appeal is condoned.

I.A. No. 5048 of 2016 stands allowed and disposed of.

Respondent's case for grant of promotion to the post of Additional Superintendent of Police was not considered and when his claim was rejected, the writ petition was filed.

The Writ Court examined the matter and after considering the recommendation of the D.P.C. which met on 22.11.2010, it was found that the respondent was recommended for promotion. The recommendation in favour of the respondent by the D.P.C. on 22.10.2011 was not considered and queries were made. After retirement of the respondent, his case was not considered. However, the learned Writ Court found that there is no explanation averred by the State Government as to why the respondent was not promoted based on the recommendation made on 22.11.2010 and while he was permitted to superannuate and thereafter his name not considered.

Taking note of the aforesaid, the matter has been remanded back for reconsideration taking the D.P.C. of 22.11.2010 as the basis of consideration.

In doing so, in our considered view, the learned Writ Court has not committed any error warranting reconsideration, as the Writ Court has only directed for reconsideration and grant of notional



promotion, in view of the employee’s retirement. In doing so, no error has been committed. The Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	03.08.2017
Transmission Date	

