

**(2004) 01 JH CK 0020**

**Jharkhand High Court**

**Case No:** CWJC No. 3858 of 2000

Nand Kishore Prasad

APPELLANT

Vs

Central Coalfields Ltd. and  
Others

RESPONDENT

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**Date of Decision:** Jan. 7, 2004

**Acts Referred:**

- Constitution of India, 1950 - Article 226

**Citation:** (2004) 1 JCR 648

**Hon'ble Judges:** Amareshwar Sahay, J

**Bench:** Single Bench

**Advocate:** Sumir Prasad, for the Appellant; Ritu Kumar, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

@JUDGMENTTAG-ORDER

Amareshwar Sahay, J.

The petitioner had earlier moved this Court by filing writ application being CWJC No. 1264 of 1996 (R) for

quashing the order dated 24.7.1995, by which the promotion of the petitioner from the post of Assistant Store Keeper to the post of Store

Keeper was denied by the respondents on the ground that the departmental proceeding was pending against the petitioner. This Court vide order

dated 8.9.1997 dismissed the said writ application filed by the petitioner, after taking into consideration the fact that the stand of the respondents

was that after completion of the departmental proceeding the case for promotion of the petitioner will be considered and it was also directed in the

said order to the respondents to conclude the departmental proceedings as quickly as possible and then to consider the case of the petitioner for promotion on the basis of the sealed cover policy.

2. It is stated that subsequently the petitioner was exonerated from the charges levelled against him in the said departmental proceeding vide letter dated 19/20-12-1997. It is further stated that during the pendency of the aforesaid departmental proceeding a second chargesheet was issued for different charges to the petitioner on 4.2.1995 for which second departmental proceeding was conducted and vide office order dated 25.2.2000 the petitioner was awarded punishment of stoppage of one annual increment with cumulative effect.

3. The case of the petitioner in the present writ application is that he has illegally been denied promotion to the post of Store Keeper though other persons junior to him have been promoted to the said post.

4. The stand of the respondents as would appear from their counter affidavit is that in the Departmental promotion Committee meeting held on 21.12.1992 the name of the petitioner was placed at the bottom of the panel by the Committee as the petitioner had only secured 28 points and therefore, he was denied promotion and it is not correct to say that the case of the petitioner for promotion for promotion to the post of Store Keeper was not considered rather the case of the petitioner for the promotion was considered and he was not found fit to be promoted.

5. The further stand of the respondents are that the petitioner has been awarded punishment in the second departmental proceeding by order dated 21/25-2-2000 whereby the penalty of stoppage one annual increment with cumulative effect was imposed vide Annexure-12 to the writ application and therefore, the petitioner was not promoted.

6. The petitioner has asserted that appeal filed by the petitioner against the said order imposing penalty of stoppage one increment with cumulative effect is still pending before the appellate authority. This fact has not been denied or controverted by the respondents in their counter affidavit.

7. Considering the facts and circumstances of the case and respective submissions of the parties in my opinion, no relief can be granted to the petitioner at this stage.

8. However, since the appeal filed by the petitioner against the order dated 21/25-2-2000 as contained in Annexure-12 to the writ application is still pending, respondents are hereby directed to take all possible steps to dispose of the appeal, if not already disposed of and to pass appropriate a reasoned order within the period of eight weeks from the date of receipt/production of a copy of this order.

9. With the above observation/direction this writ application is dismissed.