

IN THE HIGH COURT OF JHARKHAND AT RANCHI

L.P.A No. 548 of 2019

The State of Jharkhand & others --- --- Appellants

Versus

Pramod Kumar --- --- Respondent

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CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH
HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY
Through Video Conferencing

For the Appellants : Mr. M.A. Khan, G.P. IV

For the Respondent :

05/08.07.2020 Mr. M.A. Khan, learned G.P.IV appears for the appellant State and submits that the impugned judgment directing the respondent State to grant retrospective promotion to the petitioner w.e.f. 31.12.2005 is in teeth of a decision rendered by the Apex Court in the case of *Union of India & others Vrs. Chaman Rana* in *Civil Appeal No. 2763 of 2018* dated 12.03.2018. More over the facts of the case of the writ petitioner is different from that of *Kedar Nath* in *W.P.(S) No. 1100 of 2007* and *L.P.A. No. 471 of 2012* on which reliance has been placed by the learned Single Judge. Therefore, the State being aggrieved has preferred this appeal.

Issue notice in the limitation matter (I.A. No. 8113 of 2019); stay matter (I.A. No. 8114 of 2019) as also on the main memo of appeal upon the respondent through speed post as well as under registered cover with A/D for which requisites etc. must be filed within two weeks, failing which, this appeal shall stand rejected without further reference to the Bench.

If the writ petitioner / private respondent herein is still in service, notice be effected through his Head of the Department by the appellant State and an affidavit to that effect be filed within a period of three weeks. Learned counsel for the appellant shall also bring on record the judgment passed in the case of *Kedar Nath* in *W.P.(S) No. 1100 of 2007* as affirmed by the learned Division Bench in *L.P.A. No. 471 of 2011* by the next date.

List this case after 4 weeks.

(Aparesh Kumar Singh, J.)

(Anubha Rawat Choudhary, J.)