

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(S) No.654 of 2018

Satyadeo Mohan Ghosh	...	...	Petitioner
Versus			
The State of Jharkhand and Others...	...	...	Respondents

**With
W.P.(S) No.5726 of 2017**

Sanat Kumar Petitioner

Versus

The State of Jharkhand and Others... ... Respondents

**With
W.P.(S) No.2189 of 2018**

Shyam Das Singh Petitioner
Versus
The State of Jharkhand and Others... .. Respondents

**CORAM:HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE NAVNEET KUMAR**

For the Petitioners	: Mr. Jitendra Singh, Sr. Advocate : Mr. Yash Singh, Advocate : Mr. Ishan Singh, Advocate : Ms. Anjali Kumar, Advocate [In WPS No.654/18 & 5726/17] : Ms. Amrita Sinha, Advocate [In WPS No.2189/18]
For the Resp-State	: Mr. Ashutosh Anand, AAG-III
For Res. No.6-JSEA	: Mr. Krishna Murari, Advocate
For Res. No. 6 & 7	: Mr. Mahesh Tewari, Advocate

Order No. 35/Dated 18th November, 2024

1. Reference may be made to the order dated 17th October, 2024, in pursuance thereof, affidavit has been filed by the respondent State of Jharkhand.

2. We have gone through the averments made in the said affidavit and the stand which has been taken by the State that only in order to restrict the matter of promotion to two persons, since they have been representing for

redressal of their grievance for retrospective promotion, such order of promotion has been granted and that is the reason in order to restrict the said decision to two petitioners, the word has been used that this order will not be treated to be precedence.

3. There is reference of the provision of Rule 27(4) of the Rules of Executive Business. We have also considered the provision of Rule 27(4) of the Rules of Executive Business and found therefrom that the Chief Secretary has not been conferred with the power to take decision in the matter of Rules of Executive Business, rather, the power has been conferred to call for any record/document, for ready reference, Rule 27(4) of the Rules of Executive Business is being quoted and referred hereunder as :-

“27 (4) (a) The Chief Secretary may on the orders of the Chief Minister or of any Minister or of his own motion ask to see papers relating to any case in any department and any such request by him shall be complied with by the Principal Secretary/Secretary of the Department concerned.

(b) The Chief Secretary may, after examination of the case submit it for the orders of the Minister-in-charge or of the Chief Minister through the Minister-in-charge.”

4. The averment since has been made that it is on the basis of the decision taken by the Chief Secretary of the State as in exercise of power conferred under Rule 27(4) of the Rules of Executive Business, which has got approval by

the Cabinet and thereafter notification has been issued. But, this Court has failed to understand that when there is no power conferred to the Chief Secretary of the State under Rule 27(4) of the Rules of Executive Business, then how such decision can be taken in difference to the decision already taken by the Departmental Secretary and in reversal thereto.

5. Mr. Ashutosh Anand, learned Additional Advocate General-III appearing for the State, has sought for time to seek instruction in the matter.

6. We have heard learned senior counsel Mr. Jitendra Singh, assisted by Ms. Amrita Sinha, learned counsel appearing for the petitioners, Mr. Mahesh Tewari and Mr. Krishna Murari, learned counsel appearing for the respondents.

7. Due to paucity of time, the hearing could not be concluded.

8. With the consent of the parties, let this matter be posted on 16.12.2024.

9. It has been submitted that although the written notes of argument has been filed but the same is to be supplemented, as such, submission has been made to allow the learned counsel for the parties to file the written notes of argument afresh by making addition of subsequent development, if any.

10. Considering the aforesaid submission, permission is granted to file fresh written notes of argument on or before the next date of hearing.

(Sujit Narayan Prasad, J.)

(Navneet Kumar, J.)

Birendra/