

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11869 of 2007

Bhola Prasad Singh son of Late Pyare Singh, resident of Block Colony,
Aurangabad, P.S. Aurangabad, District Aurangabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Agriculture Production Commissioner, Department of Agriculture, Govt. of Bihar, Patna
3. The Agriculture Director, Bihar, Patna
4. The Agriculture Director (Administration), Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi

Mr. Anjani Kumar Mishra

For the State

Mr. Gyan Shankar, A.C. to G.P.6

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 07-05-2015

Heard Mr. Shahi for the petitioner and A.C. to G.P.6 for
the State.

While still in service of the government as the District Horticulture Inspector the writ application was filed seeking a direction upon the respondents to grant the petitioner the benefits of first time-bound promotion in the revised scale of pay of Rs. 2400-4150. The petitioner also sought a direction commanding the respondents to consider his case for grant of monetary benefits under the Assured Career Progression Scheme (ACP) implemented by the state government with effect from 09.08.1999. During the pendency of this writ application the petitioner retired from service of



the government with effect from 31.05.2008. It is relevant to notice here that he joined the service on 23.02.1972. Initially, he belonged to the cadre of Bihar Agriculture Subordinate Service, Category-I (Agronomy). By virtue of the notification dated 28.01.1988 the said cadre was merged with the cadre of Bihar Agriculture Service Class-II. The scale of the petitioner was accordingly upgraded and fixed.

A counter affidavit has been filed in this case in the year 2008. Counsel for the State has drawn attention of the Court to the relevant statements made in paragraph 5 thereof as also the communication dated 09.02.2005 issued by the Under Secretary of the government in the Department of Agriculture and addressed to the Accountant General, Bihar. On the basis of the aforesaid statements made in the counter affidavit and the communication, referred to above, it has been submitted that the petitioner has already been granted the benefits of the first time-bound promotion inasmuch as his scale of pay was fixed in the scale of pay of Rs. 2400-4150. This is precisely the first grievance of the petitioner. In view of aforesaid, the first grievance of the petitioner stands redressed.

The next grievance of the petitioner relates to grant of the benefits under the ACP Scheme. Counsel for the State submits that in the counter affidavit the said aspect of the matter has not been

dealt with. However, if the petitioner is entitled to the said benefits then the same shall be examined with utmost expediency no sooner the petitioner files a detailed representation in this regard before the Agriculture Director, Bihar, Patna (respondent no.3).

This Court disposes of the writ petition by giving the petitioner the liberty to make such a representation before the said respondent. If any such representation is filed within four weeks, the said respondent will consider//examine the grievance of the petitioner and pass appropriate/reasoned order and/or grant the benefits if found admissible to the petitioner under the said scheme as quickly as possible.

(Kishore Kumar Mandal, J)

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