

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5054 of 2011

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Ramji Lall, aged 63 years, son of Late Bikrama Lal, resident of village-Gori, P.S. Karaghar, District-Rohtas

.... Petitioner

Versus

1. The State of Bihar through the Commissioner-cum-Secretary, Water Resources Deptt., Sinchai Bhawan, Patna
2. The Chief Engineer, Water Resources Deptt., Dehri, District-Rohtas
3. The Superintending Engineer, Sone Canal Modernisation Circle, Dehri, District-Rohtas
4. The Executive Engineer, Sone Barrage Division, Indrapuri, District-Rohtas
5. The Accountant General, Bihar, Birchand Patel Path, Patna

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Respondent/s : Mr. AC to SC-30

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

11 18-04-2016 Heard Sri Ajay Kumar, learned counsel for the petitioner and learned AC to SC-30.

The petitioner, who superannuated with effect from 31.12.2007 while working as Electrical Supervisor, has approached this Court by filing the present writ petition in the month of March, 2011 against an order dated 22.08.2009 passed by the Chief Engineer, whereby the petitioner was denied the benefit of 1st A.C.P. on the ground that he was given promotion with effect from 10.10.1981 as Electrical Supervisor. It is not in dispute that the petitioner has already been granted second A.C.P.



In this case, counter affidavit and supplementary counter affidavit have been filed. In paragraph-5 of the supplementary counter affidavit, it has been stated that the petitioner was appointed on the post of Electrician on 07.12.1973 in the work charge establishment on the pay scale of Rs.220-315/-. The petitioner was subsequently promoted on the higher post of responsibility from the post of Electrician to the post of Electrical Supervisor on the pay scale of Rs.240-396/- vide order contained in letter no.2159 dated 10.10.1981 giving him 1st Time Bound Promotion as well as benefit of 12%. A plea has been taken that in view of provision, contained in A.C.P. Scheme, since the petitioner was already promoted on the higher pay scale of promotional post, the petitioner has been denied the 1st A.C.P., whereas the petitioner after completion of specified period has already been granted 2nd A.C.P.

Learned counsel for the petitioner has tried to persuade the Court that as per provision contained in A.C.P. Rules, the petitioner was entitled to get 1st A.C.P. after completion of 12 years and second after completion of 24 years, whereas in view of Rule, it is evident that if promotion is given on the higher pay scale, then one may not be entitled to get the said benefit in view of the fact that 2nd A.C.P. and earlier the petitioner was promoted

on the higher pay scale .

I do not find any ground to pass favourable order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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