

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7558 of 2013

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1. Chandeshwar Rai S/O Late Dasai Rai R/O Village- Kirathpur Raja Ram, P.S.-
Bhagwanpur, District- Vaishali

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Consolidation, Bihar, Patna
3. The Deputy Director Consolidation, Head Quarter, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mahasweta Chaterjee, Advocate.

For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP25

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-03-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In the present writ petition, petitioner is seeking relief for
granting promotion under Assured Career Progression Scheme,
2003 which was amended in the year 2006.

3. As per the claim of the petitioner, he was appointed on
the post of daily wages driver against sanctioned vacant post in
consolidation department on 1.8.1984 and later on vide Memo
No. 1341 dated 39.6.1987 the services of the petitioner was
regularised against the sanctioned vacant post in the office of the
Deputy Director Consolidation (Head Quarter) in the pay scale of
Rs.480-690. As per claim of the petitioner, he continued to



discharge his duty, was never put to any departmental proceeding nor any show cause or explanation was called from him. He was given benefit of increment from time to time and was granted revised pay scale on the recommendation of the Pay Revision Commission report including revision of dearness allowance. Service of the petitioner was also verified time to time. When the petitioner did not get any promotion, he approached to the authority concerned for granting him benefit of Assured Career Progression under the ACP Scheme, 2003 as other similarly situated persons who were brought in service later on were given the same benefit but in the case of the petitioner they have adopted step motherly treatment.

4. ACP Scheme, 2003 has been substituted by new ACP Scheme, 2010 which provides that a person who has completed 10 years of service will be entitled for first ACP and after completion of 20 years and 30 years of service he is entitled to second and third ACP.

5. A counter affidavit has been filed by the State where it has been stated that a High Power Committee has been constituted to examine the appointment of the petitioner and the same is pending.

6. From the record it appears that respondents have earlier

constituted a High Power Committee in 2011. The Members of the said Committee have either superannuated or transferred. Vide office memo no.149 dated 1.4.2013 second High Power Committee has been constituted to examine the appointment of the petitioner. It appears from Annexure-A that the said Committee has been constituted in the year 2013 even after the lapse of three years nothing substantial has been brought to the notice of this Court for consideration. In view of the fact that the petitioner has discharged the duty without any show cause or departmental proceeding, in terms of ACP, 2003 and ACP, 2010 he is entitled to the benefit under ACP, 2010. Petitioner has already filed several representations but the same were still pending for consideration.

7. In this view of the mater, respondents are directed to give the benefit of ACP under ACP Scheme, 2010 within a period of three months subject to the result of High Power Committee, if the petitioner is otherwise entitled.

8. With the aforesaid observation this writ petition is disposed of.

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(Shivaji Pandey, J)