

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.799 of 2016

=====

Kumar Abhay Pratap Singh Son of Late Rajendra Prasad Singh, House No. G-1,
Vidya Kunj Aptt., Anandpuri, Patna.

.... Petitioner

Versus

1. The Bihar State Power (Holding) Company Ltd. through its Chairman - cum - Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman - cum - Managing Director, Bihar State Power (Holding) Company, Vidyut Bhawan, Bailey Road, Patna.
3. The Director (HR & Admin), Bihar State Power (Holding)_ Company, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager (HR & Admin), Bihar State Power (Holding) Company, Vidyut Bhawan, Bailey Road, Patna.
5. The Deputy General Manager (HR & Admin), Bihar State Power (Holding) Company, Vidyut Bhawan, Bailey Road, Patna.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar Singh, Adv.

For the Respondent/s : Mr. Prakash Kumar, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 31-07-2017

Heard Mr. Ravindra Kumar Singh, learned counsel
appearing for the petitioner and Mr. Prakash Kumar, learned counsel
appearing for the respondents.

The prayer of the petitioner in this writ petition is for
shifting the effective date of grant of 3rd ACP from 23.5.2011 to
23.5.2009 as according to the petitioner he had completed eight years
of service to qualify for 3rd Time Bound Promotion.

Mr. Ravindra Kumar Singh, learned counsel for the
petitioner, while giving the sequence of events has informed that the
petitioner was appointed as Assistant Executive Engineer on



22.5.1987 and was granted 1st Time Bound Promotion vide order bearing Memo No. 1293 dated 17.8.1998 with effect from 23.5.1995 as manifest from serial no.13 which contains the name of the petitioner. He submits that the petitioner was granted 2nd Time Bound Promotion vide office order bearing Memo No.1613 dated 30.12.2002 with effect from 23.5.2001 and was designated as Senior Engineer (Special Grade). The name of the petitioner again appears at serial no. 13 of the order. In reference to 3rd Time Bound Promotion which was granted to the petitioner, he submits that the petitioner was granted 3rd Time Bound Promotion with effect from 23.5.2011 although in terms of the resolution of the Bihar State Electricity Board, Patna (General Administration Department) dated 7.5.2012 he was entitled to 3rd Time Bound Promotion on completion of eight years of service since the grant of 2nd Time Bound Promotion on 23.5.2001 which would be 23.5.2009 and not 23.5.2011.

The arguments has been contested by Mr. Prakash Kumar, learned counsel for the respondents, in reliance to Annexure 4 itself and in reference to Paragraphs 8 to 10 of the counter affidavit he submits that even though the petitioner had completed eight years of service after grant of 2nd Time Bound Promotion on 23.5.2001, on 23.5.2009 but the resolution relied upon by the petitioner dated 7.5.2012 as present at Clause 3 and 11 would confirm that not only



the incumbent has to complete eight years of service after grant of 2nd Time Bound Promotion for eligibility to 3rd Time Bound Promotion but at the same time he also has to complete 24 years of regular service which the petitioner completed only on 23.5.2011.

Having heard learned counsel for the parties and considering the explanation given by the respondents at Paragraphs 8 to 10 of the counter affidavit to the grant of 3rd Time Bound Promotion to the petitioner on 23.5.2011 and not 23.5.2009 in reference to Clause 3 and 11 of the resolution present at Annexure 4, I find no infirmity to interfere with the grant as the petitioner has been given 3rd Time Bound Promotion in tune with the Scheme.

No cause for indulgence to the prayer is made out. The writ petition is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.08.2017
Transmission Date	NA

