

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1229 of 2016

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Narendra Deo Pandey Son of Late Baldeo Pandey Resident of House No. 8, Road
No. 14, East Ashok Nagar, Kankarbagh, 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

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 01-08-2017

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

The petitioner seeks direction to the respondents for grant
of 3rd ACP under the Modified Assured Career Progression Scheme
with effect from 26.12.2011, on completion of eight years of service
on the post after grant of 2nd Time Bound Promotion.

According to Mr. Singh, learned counsel for the petitioner,
since the petitioner had got the 1st Time Bound Promotion with effect
from 26.12.1997 vide Annexure 2 and 2nd Time Bound Promotion
with effect from 26.12.2003 vide Annexure 3, in view of the



stipulations present in MACP Scheme, a copy of which is enclosed at Annexure 5, more particularly Clause 3 and 11 read together, the petitioner would be entitled to 3rd Time Bound Promotion on completion of eight years of service after grant of 2nd Time Bound Promotion which would be 26.12.2011. He submits that the petitioner superannuated on 31.1.2012 and has been denied this promotion.

Mr. Kumar, learned counsel for the Board, relying on the very same stipulations in paragraphs 3 and 11 of the Scheme present at Annexure 5 submits that not only an incumbent is required to complete a period of eight years after grant of 2nd Time Bound Promotion but he also has to cross a second hurdle of 24 years of service from the date of his initial appointment and since the petitioner was appointed on 26.12.1989 as an Assistant Executive Engineer, he would have completed 24 years of service on 26.12.2013 but before that he superannuated and thus, was not found entitled to 3rd Modified Assured Career Progression. For the purpose learned counsel has relied upon the statement present at paragraph 13 of the counter affidavit.

Having heard learned counsel for the parties and considering the stipulations present at paragraphs 3 and 11 of the Scheme, a copy of which is enclosed at Annexure 5, I am in agreement that the submissions so advanced by Mr. Prakash Kumar



for grant of 3rd Modified Assured Career Progression is not on mere completion of eight years of service after grant of 2nd Time Bound Promotion, rather the incumbent would also have to complete 24 years of total service since his initial appointment which would complete the eligibility. The petitioner having failed to achieve this qualification, his claim for 3rd MACP on 26.12.2011 is contrary to the stipulations and accordingly, the prayer made does not require indulgence.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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

