

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16865 of 2010

=====

Manik Lal Ray son of Late Accheylal Rai resident of village - Gorai, P.O.-
Balaha, P.S.- Chakmehsi, District - Samastipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Cane Commissioner
3. The Assistant Cane Commissioner
4. The Cane Development Officer
2to 4 at Cane Development Directorate , Department of Industries, Bihar,
Patna
5. The Deputy Director, Cane Development Office, Pusa, P.S.- Pusa,
District Samastipur

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satya Narayan Mishra
For the Respondent/s : AC to GA No. 5

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 18-05-2017 Heard Sri Satya Narayan Mishra , learned counsel for

the petitioner and learned AC to GA No. 5 .

The petitioner, has approached this Court invoking its

writ jurisdiction under Article 226 of the Constitution of India

mainly for the following two reliefs:-

*“i. For a direction to the respondents
to promote the petitioner in super time
selection grade mobile unit worker in the
scale of Rs. 1400-40-1800-50-2300 with
effect from 1.2.1995.*

*ii. For a direction to the respondents
to give the petitioner his second financial
progression under the assured career
progression scheme (ACP) in the
corresponding higher scale with effect
from 9.8.1999.”*



Learned counsel for the petitioner has drawn my attention to the statement made in paragraph no. 8 of the counter affidavit, which was filed on behalf of the respondents long back in the month of January, 2011. He submits that as per paragraph no. 8 of the counter affidavit it is evident that petitioner has already been granted 2nd ACP in the corresponding scale of Rs. 4500 – 7000/- with effect from 9.8.1999. He submits that accordingly 2nd relief has already been granted. So far 1st relief is concerned, he submits that in the same paragraph i.e. paragraph no. 8 of the counter affidavit a categorical statement was made that matter of super time scale will be placed for consideration before the departmental promotion committee and action will be taken on it accordingly. He submits that despite his best effort he has not been able to get instruction as to whether 1st relief in view of statement made in paragraph no. 8 of the counter affidavit has granted or not.

In normal course this court would have directed the State Counsel to obtain instruction in view of the statement made in paragraph no. 8 of the counter affidavit for obtaining further instruction regarding decision in respect of relief no. (i) of the petition, but considering the fact that writ petition was filed in the year 2010 itself instead of deferring the matter the court



proposes to dispose of the writ petition with observation that if till date no decision has been taken in respect of super time scale as stated in paragraph no. 8 of the counter affidavit, the respondents must take immediate decision preferably within a period of three months from the date of receipt / production of a copy of this order.

It goes without saying that if decision is taken in favour of the petitioner, the petitioner may be granted all consequential benefits.

The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

U			
---	--	--	--

