

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6074 of 2016

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Baleshwar Prasad, Age about 61 years, Son of Late Meetlal Paswan, Resident of Village- Bhaiswa, P.O- Bhaiswa, P.S. Masaurhi District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Chief Engineer, Water Resources Department, Anisabad, Patna.
3. The Superintending Engineer, Draft, Planning and Monitoring Circle Anisabad, Water Resources Department, Patna.
4. The Executive Engineer Draft Division No.1, Water Resources Department, Patna.
5. The Executive Engineer Draft Division No.1, Water Resources Department, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Adv.

For the Respondent/s : Mr. Anwar Karim, AC to GP-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-11-2017

Heard Mr. Anuj Kumar, learned counsel appearing for the petitioner and Mr. Anwar Karim, learned AC to GP-10, for the State.

The petitioner prays for appropriate direction to the respondents to grant him first and second progression under the Bihar State Employees Condition of Service (Assured Career Progression Scheme) Rules, 2003 as according to the petitioner, he completed 12 years of service on 8.8.1992 and 24 years of service on 8.8.2004 but has not been provided with the progression accordingly.

Mr. Anuj Kumar, learned counsel for the petitioner, to support the case of the petitioner has relied upon the issue framed in



paragraph 2(iii) of the writ petition to submit that whatsoever progression that the petitioner has got prior to 1.1.1996 in terms of the notification No. 1802 dated 23.3.2006 cannot be a ground to disentitle him and his claim has to be considered independently.

The arguments have been contested by Mr. Karim, appearing for the State, who in reference to paragraph 6 onwards of the counter affidavit has submitted that since the petitioner has been granted regular promotion in the cadre that his claim does not merit consideration in so far as ACP Scheme, 2003 is concerned and in so far as the Scheme under Modified Assured Career Progression is concerned, he has been granted progression on completion of 30 years of service.

I have heard learned counsel for the parties and have perused the records.

Apart from the fact that the petitioner raises a stale claim, not requiring any indulgence, even on merit, he does not have a case because if at all a cause of action arose for the petitioner, it arose way back in the year 1992 when he completed 12 years of service having entered the cadre as Blue Print on 8.8.1980. He did not choose to do so and presumably for the reason that the case was being considered for regular promotion which ultimately resulted in one, to the post of Tracer on 17.12.1993 followed by regular promotion to the post of



Draftsman with effect from 17.12.1998. In view of these admitted circumstances, the petitioner cannot seek a financial progression having obtained regular promotion in the cadre. In so far as the issue of progression under Modified Assured Career Progression, 2010 is concerned, paragraph 9 would confirm that he has been given such progression on completion of 30 years of service with effect from 8.8.2010.

In the circumstances so discussed, neither on merits nor on issue of laches the claim advanced is worthy of indulgence.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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