

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18233 of 2008

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Ganesh Prasad Singh, son of late Chakradhar Pd. Singh, resident of village + P.O.-
Bharauli (Dhakjari), P.S.- Sonbarsa Kachhari, District- Saharsa.

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Old Secretariat Building, Patna.
2. The Agricultural Production Commissioner, Bihar, Patna.
3. The Chairman of the Public Enterprises Bureau, Department of Finance, Government of Bihar, Patna.
4. The Administrator under the Bihar Agriculture Products Market (Repeal) Act, 2006, Pant Bhawan, Baily Road, Patna.
5. The Sub-Divisional Officer-cum- Special Officer, Agriculture Product Market Committee (Dissolved), Geghara, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Lalan Kr.Singh, Adv.
For the State : Mr. Prabhakar Jha, G.P.-27

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-11-2017

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

2. In this case, the petitioner is seeking Junior Selection Grade and Senior Selection Grade, claiming that juniors have been granted the benefit of selection grade in the year 1997 from then he was making representation and later on he was proceeded and punishment was awarded, withholding three annual increments with



non-cumulative effect, on that ground the petitioner has been deprived of the benefit of increment.

3. Learned counsel for the petitioner submits that juniors to the petitioner have been given the benefit of selection grade in the year 1997, at that time there was no proceeding pending against the petitioner, he should have been given the same benefit. He further submits that merely on the ground of inflicting the punishment will not make him disentitled for the selection grade.

4. In the counter affidavit, it has been mentioned that though the petitioner has been given the first and second A.C.P. but selection grade has not been given on account of the punishment inflicted upon him.

5. Learned counsel for the State has vehemently argued and submitted that the petitioner has been deprived of the benefit on account of departmental proceeding and punishment inflicted upon him.

6. Learned counsel for the petitioner submits that there is no prohibition of depriving the person for selection grade on account of punishment as the juniors have been granted benefit in the year 1997 and the punishment was inflicted punishment in the year 2001,



so during that period no punishment was there and the authority should have given the same benefit to the petitioner as has been given to his juniors.

7. Having considered the rival contentions of the parties, let the petitioner would file a detailed representation before the competent authority for redressal of his grievance. If such a representation is filed, the competent authority shall decide the same in accordance with law within six months from the date of receipt/production of a copy of this order. If the petitioner has been granted A.C.P., the monetary benefit must be extended to him.

8. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
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