

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18954 of 2010

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Chandeshwar Prasad Singh (Retired Research Assistant) S/O Late Tripit
Narayan Singh R/O Vill.- Karahri, P.S.- Bhagwanpur, Distt.- Vaishali At
Hazipur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Commissioner Cum Secretary, Water Resources Department, Sichai Bhawan Old Secretariat, Patna
3. The Special Secretariat-1 Water Resources Department Sichai Bhawan Old Secretariat, Patna
4. The Engineer In Chief, Water Resources Department, Sichai Bhawan, Patna
5. The Joint Secretary (Management) Water Resources Department, Sichai Bhawan Old Secretariate, Patna
6. The Under Secretary, Water Resources Department, Sichai Bhawan Old Secretariate, Patna
7. The Chief Engineer, Research And Training, Irrigation Research Institute, Khagaul, Patna
8. The Chief Engineer, Water Resources Department Balmikinagar, Motihari
9. The Deputy Director, Research Division, Balmiki Nagar Camp. Motihari

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlendu Kr. Jha
For the Respondent/s : Mr. (Ga9)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-06-2018 The petitioner, by way of the present writ petition,

seeks for quashing of the order dated 11.05.2009 to the extent that

the petitioner has been denied the benefits of first A.C.P. The

petitioner has further prayed for grant of benefits of first A.C.P.

The respondents in their counter affidavit have

stated that the petitioner was appointed as Laboratory Assistant in

the work charge establishment on 20.02.1963 and his services



were regularized in the regular establishment of the Water Resources Department, Bihar in the pay scale of Rs. 580-860/- vide order dated 31.03.1976. The petitioner was then promoted on the post of Junior Research Assistant in the higher scale of pay of Rs. 785-1210/- w.e.f 01.02.1985 vide letter dated 25.02.1985. The nomenclature of the post of Junior Research Assistant was changed as Research Assistant in the year 1988 without making any change in its pay scale and service conditions. The petitioner was granted first time bound promotion in the higher scale of pay Rs. 1800-3330/- in pursuance of Government resolution dated 17.02.1998 and the petitioner superannuated from his services on 31.03.2002 while getting salary in the pay scale of Rs. 5000-8000/-. It has been further stated in the counter affidavit that the petitioner had already got one financial progression during his tenure by way of promotion to the post of Junior Research Assistant/ Research Assistant, as such the petitioner was not entitled for first A.C.P., however the petitioner has been extended the benefit of second A.C.P. in the higher pay scale of Rs. 5500-9000/- w.e.f. 09.08.1999 vide notification dated 11.05.2009.

Considering the provisions contained in Assured Career Progression Scheme Rules, 2003, more particularly, Rule



3(1) and Rule 3(1)(ii) as well as proviso to Rule 4(2) as also the averments made in the counter affidavit which has not been controverted by the petitioner herein by filing a rejoinder affidavit, I find no merit in the present writ petition and accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

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