

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16681 of 2009**

=====

Satyanarayan Singh, S/O Late Paltan Singh, resident of Mohalla- New Colony, Pani  
 Tanki Road, Khajekalan, P.S.Khajekalan, Distt- Patna

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Urban Development Department,  
 Government of Bihar.
2. Patna Municipal Corporation, through the Chief Executive Officer, Patna
3. The Chief Executive Officer, Patna Municipal Corporation, Water Board Section  
 Buddh Marg, Patna- Gaya Road, Patna

.... .... Respondents

=====

**Appearance :**

|                      |                                  |
|----------------------|----------------------------------|
| For the Petitioner/s | : Mr. Alok Ranjan, Advocate      |
| For the State        | : Mr. Sunil Kumar Mandal, S.C.-3 |
|                      | Mr. Bipin Kumar, Advocate        |
| For the P.M.C.       | : Mr. Yashraj Bardhan, Advocate  |

=====

**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**

**ORAL JUDGMENT**

**Date: 10-04-2018**

Heard learned counsel for the petitioner, learned counsel  
 for the State and learned counsel for the Patna Municipal  
 Corporation.

2. In this case, the petitioner is claiming the benefit of time  
 bound promotion as well as the A.C.P.

3. Learned counsel for the Patna Municipal Corporation  
 submits that so far the extending the benefit of A.C.P. is not in  
 dispute as the A.C.P. scheme has already been enforced for the  
 employees of the Municipal Corporation, but there is a dispute about



the grant of benefit of time bound promotion.

4. Learned counsel for the Patna Municipal Corporation further submits that the scheme of time bound promotion was not adopted for the employees of the Municipal Corporation and as such, the petitioner is not entitled to time bound promotion.

5. However, the earlier judgment that has been passed by the Division Bench of this Court in L.P.A. No.25 of 2007 showing the applicability of the time bound promotion inasmuch as the order passed by the Single Bench in C.W.J.C. No.8517 of 2007 (Phool Chandra Ram vs. The Patna Municipal Corporation and Ors.), has been affirmed by the Division Bench in L.P.A. No.882 of 2014, indicative of the fact that the employees of the Municipal Corporation cannot be deprived of the time bound promotion and this issue is no longer *res integra* in view of successive judgment and the finality has been arrived as the same was not challenged before the higher Court.

6. In such view of the matter, the petitioner also cannot be deprived of the benefit of time bound promotion as already the scheme of A.C.P. has been enforced in Municipal Corporation. Hence, this Court directs the Patna Municipal Corporation to grant



the benefit of time bound promotion as well as the A.C.P. to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

7. With the aforesaid observations and directions, this writ petition is allowed.

(Shivaji Pandey, J)

pawan/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N/A        |
| Uploading Date    | 11.04.2018 |
| Transmission Date | N/A.       |

