

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8525 of 2014

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Raj Kishore Prasad Sinha S/o Late Narshing Narayan Sinha resident of village -
Dhandhwa, P.O. & P.S. Budh Gaya, District – Gaya **Petitioner**

Versus

1. The State of Bihar, through the Principal Secretary, Environment and Forest Development Department, Govt. of Bihar, Patna
 2. The Chief Conservator of Forest cum Managing Director, Bihar State Forest Development Corporation having in his office Officers Flat No.Bailey Road, Patna
 3. The Additional Chief Conservator cum Managing Director, Jharkhand State Forest Development Corporation, Hinoo Ranchi, Jharkhand
 4. The General Manager, Minor Forest Product Project Circle Ranchi, Kadru Main Road, P.S. Argora, District - Ranchi (Jharkhanda) **Respondents**
- =====

Appearance :

For the Petitioner : Mr. Mukul Prasad, Advocate
For the respondent no.1 : Mr. Sarvesh Kr.Singh, AAG 13
For the Corporation : Mr. R.N.Shukla & G.N.Shukla, Advocates

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 16-08-2018

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

It is submitted by learned counsel for the petitioner
that having all the requisite qualifications petitioner was promoted
to the post of Assistant Accounts Officer (AAO) from the post of
Accountant on 08.11.1988 (Annexure 2). Thereafter, withdrawing
the said promotion and reverting him to the post of the Accountant
under order dated 08.08.2006 (Annexure 4) without affording him
opportunity of hearing, is unsustainable in the eye of law. Thus he
has sought for quashing of order dated 08.08.2006 (Annexure 4)
bearing Memo no. 438 issued by the Chief Conservator of Forest



cum Managing Director, Bihar State Forest Development Corporation (respondent no.2).

Respondents have filed counter affidavit in the matter. It has rightly been pointed out that the order promoting the petitioner as Assistant Accounts officer dated 8.11.1988 was a temporary arrangement. The same is evident from Clause (2) of the said order. Otherwise also it is submitted that the temporary promotion granted to the petitioner was not in accordance with law as the same was issued by an incompetent authority. Petitioner therefore cannot claim any vested right to the promoted post.

At this juncture counsel for the petitioner submits that the petitioner would thus be entitled to the benefits under the Assured Career Progression Scheme on account of enhancement of pay scale under the scheme.

No such application has been made by the petitioner till date. However, in view of limited submission made on behalf of the petitioner, this writ petition is disposed of with liberty to the petitioner to submit his claim for benefits under the Assured Career Progression Scheme within a period of four weeks from today, subject to suitability of the petitioner for the said claim before the respondents. In the event, such application is filed, the respondent authorities would be obliged to dispose of the same by



a reasoned and speaking order within a period of three months thereafter.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.8.2018
Transmission Date	NA

