

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1038 of 2010

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Arun Kumar, son of late Ram Briksha Ram, resident of Village- Zamirganj
Bazar, Maner, P.S. Maner, Distt. Patna

... .. Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Agriculture, Government of Bihar,
Vikas Bhawan, Patna
3. The Agriculture Production Commissioner, Agriculture Department,
Government of Bihar, Vikas Bhawan, Patna
4. Additional Secretary, Department of Agriculture, Government of Bihar, Vikas
Bhawan, Patna
5. Under Secretary, Department of Agriculture, Government of Bihar, Vikas
Bhawan, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate

For the Respondent/s : Mr. Ajay Kumar Sharma, A.C. to A.G.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 02-04-2018

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

In this case, the petitioner has raised the grievance
that juniors to him has been granted the benefit of promotion but
he has been deprived of the same and further said that he has not
been granted all the A.C.Ps. which he is entitled to, as per the
M.A.C.P. the person is entitled to enhancement of his pay scale
in service period on three occasions, but he has been deprived of
the same.

The petitioner has joined the service in the
Agriculture Department as Joint Director, Saran Division,



Chapra, which is Class-II post, claim has been made of Class-I post. During the service period, he was proceeded departmentally and was awarded punishment of Censor, which has an effect of three years. The case of the petitioner was considered by the Departmental Promotion Committee on 23.06.2010 (Annexure-E to the counter affidavit), wherein it has been mentioned as the petitioner was inflicted the punishment of Censor, in terms of the Notification no.666 dated 10.02.1010 issued by the Personnel and Administration Department, the petitioner was not found fit for promotion and the effect of punishment of Censor came to an end on 30.06.2010. The decision was taken on 23.06.2010 and just after seven days the effect of punishment has automatically ceased to operate.

Learned counsel for the petitioner submits, after cessation of effect of punishment the case of the petitioner should have been placed before the Departmental Promotion Committee for consideration for promotion to the next higher grade but that exercise has not been done by the Department.

Learned counsel for the State has not denied the fact that after 30.06.2010 the case of the petitioner has not been considered for promotion to the next higher grade.

In such view of the matter, this Court directs the



respondents to place the case of the petitioner to the Departmental Promotion Committee for consideration of promotion to the next higher grade inasmuch as the respondents would also consider his entitlement to the A.C.P. as the petitioner is claiming that he has only been given one A.C.P. whereas he is entitled to two more A.C.Ps. If the petitioner would feel aggrieved by the outcome of the Departmental Promotion Committee, he will be at liberty to challenge the same. The entire exercise must be completed by the respondents within a period of three months from the date of receipt /production of a copy of this order.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
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