

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15735 of 2014

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Rajendra Singh, son of Ramagya Singh, at Jawahar Lal Nehru College,
Ghorasahan, P.S. Ghorasahan District East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Education,
Bihar, Patna.
2. The Vice Chancellor, Bhim Rao Ambedkar Bihar University, Muzaffarpur,
Bihar.
3. The Registrar, Bhim Rao Ambedkar Bihar University, Muzaffarpur, Bihar.
4. The Joint Secretary, Department of Education, Govt. of Bihar, Patna.
5. The Principal, Jawahar Lal Nehru Memorial College, Ghorasahan, Muzaffarpur,
Bihar.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Singh, Sr. Advocate Mr. Manish Kumar, Advocate
For the Respondent/s	:	Mr. Kinkar Kumar, SC-9 Mr. Yogesh Kumar, AC to SC-9
For the University	:	Mr. Anil Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioner and State as
well as University.

2. The present writ application has been filed way
back in 2014, but unfortunately no counter affidavit has been filed on
behalf of the University.

3. On behalf of the State, a counter affidavit has been
filed, but the same does not serve the purpose, as it does not answer
the issue raised in the present writ application.

4. The grievance in the present writ application is



non-grant of any promotion or financial up-gradation during the entire service career.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed in 1979 as Physical Training Instructor (PTI) in the College. The post of PTI was sanctioned by the State Government on 05.02.1981. The petitioner superannuated after rendering service of 36 years, but not a single promotion regular/time bound promotion or financial up-gradation under ACP was extended to the petitioner. He submits that at least two promotions should have been provided to the petitioner during the service career. He further submits that the petitioner superannuated in 2017, but due to the pendency of the present writ application and non-finalization of the pay scale admissible to the petitioner, pensionary benefits has not been paid to the petitioner.

6. Mr. Anil Singh, learned counsel for the University, although failed to file counter affidavit making submission that the petitioner has not been paid for his post retiral dues, as the writ application was filed before the date of superannuation.

7. The question of grant of promotion has been considered in different cases by this Court as well as by the Apex Court. The Apex Court has held out that at least two promotions should be granted to any employee, as incentive in the service.



Reference in this connection may be made to the judgment in the case of **State of Tripura & ors. Vs. K.K. Roy**, reported in **(2004) 9 SCC 65**. It is well settled principle that promotional avenues are catalyst for energizing the employee. Non-promotion has demoralizing effect and as such scheme has been formulated for grant of time bound promotion and career advancement scheme to do away stagnation. Time bound promotion scheme was formulated with a view to provide personal promotion on completion of Kalabadhi. Assured Career Progression Scheme was coined to provide financial up-gradation where the individual is stagnating due to non-availability of the promotional post.

8. Considering the idea behind the scheme of time bound promotion and ACP, the Court is of the view that the respondents are required to consider the case of the petitioner for grant of time bound promotion or ACP whichever is applicable in the case of the petitioner to do away stagnation. Accordingly, the writ application is disposed of with a direction to the respondent University to take appropriate decision with regard to grant of time bound promotion or ACP to the petitioner at the earliest preferably within a period of four months from the date of receipt/production of a copy of this order.

9. The respondents are also directed to finalize the



post retiral benefits of the petitioner after finalizing the grant of promotion under time bound promotion/ACP Scheme within the time indicated hereinabove.

10. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.09.2018
Transmission Date	

