

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1276 of 2017

In

Civil Writ Jurisdiction Case No.799 of 2016

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Kumar Abhay Pratap Singh Son of Late Rajendra Prasad Singh, Resident of House No. G-1, Vidya Kunj Apartment, Anandpuri, Patna.

... .. Appellant/s

Versus

1. The Bihar State Power (Holding) Company Ltd. through its Chairman-Cum-Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Bihar State Power (Holding) Company Ltd. through its Chairman-Cum-Managing Director, Vidyut Bhawan, Bailey Road, Patna.
3. The Director (HR & Admin), Bihar State Power (Holding) Company, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager (HR & Admin), Bihar State Power (Holding) Company Ltd., Vidyut Bhawan, Bailey Road, Patna
5. The Deputy General Manager (Hr & Admin), Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravindra Kumar Singh
For the Respondent/s : Mr. Vinay Kirti Singh
Mr. Prakash Kumar
Mr. Shashi Kumar

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 21-06-2018

Heard counsel for the appellant and the counsel for the Power Holding Company.

Since the writ application of the present appellant was dismissed by the learned single Judge vide order, dated 31.07.2017 refusing to give any direction for grant of benefit to the appellant of the third MACP, the appeal has been preferred.



Submission of the counsel for the appellant is that in terms of the scheme, notified by the erstwhile Electricity Board, employees are entitled to certain career progression as a measure of anti stagnation and keeping in view the time when the first time bound and the second time bound promotion was granted to the appellant, he was entitled to the third time bound promotion on completion of eight years of service, i.e. on 23.05.2009, especially when the appellant superannuated on 31.12.2013.

While going through the scheme, we have noticed that there is a time frame fixed which is required to be adhered to before one benefit of stagnation scheme can accrue from the other, the time frame fixed is 8 years, 16 years and 24 years.

In the case of the present appellant, he completes 24 years of service as Assistant Executive Engineer on 23.05.2011. This Court is not willing to read down the provisions or read certain provisions in isolation to reduce the time fixed for grant of such benefits for extending the benefit of third Modified Assured Career Progression scheme to the present appellant.

The only reason why the Board or the Power Holding Company has refused to give him the benefit of third MACP because the appellant did not complete 24 years of service on



23.05.2009 on which date petitioner claims to have become entitled for grant of 3rd MACP.

There is no infirmity in the order of the Learned Single Judge, which requires rectification in appeal.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

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