

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1218 of 2017

In

Civil Writ Jurisdiction Case No.1229 of 2016

=====

Narendra Deo Pandey Son of Late Baldeo Pandey Resident of House No. 8,
Road No. 14, East Ashok Nagar, Kankarbagh, Patna.

... .. Appellant

Versus

1. The Bihar State Power Holding Company Ltd. through its Chairman-cum-Managing Director, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman-cum-Managing Director, Bihar State Power Holding Company Ltd. 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.

... .. Respondents

=====

Appearance :

For the Appellant	:	Mr. Subodh Kumar Jha, Advocate Mr. Ravindra Kumar Singh, Advocate
For the Respondents	:	Mr. Prakash Kumar, Advocate Mr. Shashi Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 19-06-2018

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 01.08.2017
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 26.12.2011, especially when the appellant superannuated on 31.12.2012.

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 26.12.2013. 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 so that it can fit into the date of superannuation of the present appellant for extending the benefit of third Modified Assured Career Progression scheme.

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 the date of his superannuation, which is 31.12.2012.

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)

Pawan/-

AFR/NAFR	A.F.R.
CAV DATE	N/A
Uploading Date	20.06.2018
Transmission Date	N/A

