

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3243 of 2016

Daya Shankar Singh Son of late Krishna Ballabh Singh Resident of shankar Niwas, North of Panchwati Chowk, Gangjala Saharsa, P.s Saharsa, District Saharsa. Petitioner/s

Versus

1. The State Of Bihar through the Prinipal Secretary, Department of Industries, Govt. of Bihar, Patna.
2. The Joint Secretary, Industries Department Govt. of Bihar, Patna.
3. The Chairman, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
4. The Managing Director, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
5. The Secretary, Bihar Industrial Area Development Authority, Udyog Bhawan, East Gandhi Maidan, Patna
6. The Executive Director, Bihar Industrial Area Development Authority, Head Office, Patna
7. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Muzaffarpur
8. The Executive Director, Bihar Industrial Area Development Authority, Regional Office, Darbhanga.

... ... Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Prashant Sinha, Advocate.
For BIADA	:	Mr. Yashraj Bardhan. Advocate.
For the State	:	Mr.Jitendra Kumar, AC to AAG-14.

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 18-04-2019

It is submitted by Mr. Sinha, learned counsel appearing for the petitioner that the petitioner has retired from service of the respondent BIADA on 30.06.2010. He submits that having regard to the order of the Industries Department dated 15.06.1978 the petitioner would be entitled to benefit on account of second ACP and first MACP since he was to be treated at par with the State Government employees. The



submission is taken only to be rejected.

The letter relied upon which is dated 15.06.1978 clearly stipulates that at that point of time appointment of the petitioner was temporary in nature. It is the petitioner’s case in the writ petition that only subsequent thereto the benefits of various pay revisions and other time bound promotion scheme etc., were extended to employees of BIADA including the petitioner upon its adoption by the BIADA. The benefits of ACP and MACP, as per submission of the petitioner was adopted by the BIADA on 19.01.2015.

The adoption of the scheme is Annexure-4 to the writ petition. It is clearly prospective in nature and does not vest any right in any employees to claim benefit on account of ACP and MACP contrary to the office order dated 19.01.2015. In the circumstances, the petitioner would not be entitled to any benefit under the ACP and MACP scheme on account of office order dated 19.01.2015.

Writ petition is therefore, devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

