IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7870 of 2019

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Sitaram Mochi, S/o Budhan Ram R/o Ward No.8, Chanaura Goth, P.S.- Jhanjharpur Distt.- Madhubani, Bihar.

... ... Petitioner/s

Versus

1. The State of Bihar through the Secretary Government of Bihar Finance (Commercial Taxes) Department, Bihar, Patna.
2. The Additional Secretary Commercial Taxes Department, Government of Bihar, Patna.
3. The Joint Commissioner Commercial taxes,Govt. of Bihar, patna.
4. The Deputy Commissioner (Incharge), Commercial Taxes, Darbhanga Division, Darbhanga.

... ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Nirbhay Prashant, Advocate
For the Respondent/s	:	Mr. Manishdhari Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT
Date : 15-05-2019

Heard Mr. Nirbhay Prashant, learned advocate for the petitioner and Mr. Manishdhari Singh, learned AC to AG.

2. The petitioner has approached this Court for a direction to the respondents to take a final decision with regard to his promotion in the grade of Head Clerk in the department of Commercial Taxes, Darbhanga Division as also for making payment of arrears of salary and other

consequential benefits including the revised scale to which the petitioner is entitled.

3. It has also been submitted that the representation of the petitioner before the Incharge, Commercial Taxes Commissioner has gone on deaf ears.

4. The petitioner was appointed as a Clerk on temporary basis in the year 1980. Thereafter, the petitioner crossed all the hurdles of Hindi Typing Examination, Accounts Examination etc. and finally demitted his office on 31.01.2014. The services of the petitioner was regularized on 30.05.2014 from the date of his initial appointment.

5. It is the admitted case of the petitioner as well as the State that the benefits of ACP and MACP were made available to him but the grievance of the petitioner is that after the order having been passed for making such benefits of financial progression admissible to the petitioner, it has not been disbursed to him tangibly.

6. The counter affidavit clearly indicates that the prayer of the petitioner for being granted notional promotion is without substance and cannot be acceded to for the simple reason that the financial progression under the ACP scheme was given to the petitioner in lieu of promotion to which the petitioner was entitled but which promotion did not come his way.

7. In that view of the matter the prayer of the petitioner for giving him promotion notionally cannot be accepted.

8. However if an order has been passed making benefits of financial progression under the ACP scheme admissible to the petitioner, the benefits must be given to him if the same has already not been paid.

9. Learned counsel for the petitioner on instructions from the petitioner has submitted that despite the order of the department, the actual benefits under the scheme of financial progression has not been accorded to him.

10. Under the aforesaid circumstances, this Court deems it appropriate to direct the petitioner to make a representation with the aforesaid grievance before the Deputy Commissioner (Incharge), Commercial Taxes, Darbhanga Division, Darbhanga (respondent no. 4) within a period of four weeks from today, who, on receipt of the same shall pass necessary orders in accordance with law within a further period of six weeks thereafter.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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