

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5532 of 2019

1. The Bihar State Electricity Employees Association, a registered Trade Union having its office at Bakarganj, East Gandhi Maidan, P.o.- Bankipur, P.s.- Pirbahore, Distt.- Patna-800004 through the General Secretary namely Sanjeev Kumar Sharma, Resident of Vill.- Rajgangapur, P.o. and P.s.- Sultanganj, Distt.- Bhagalpur
2. Kaushik Kumar S/o Late Ranjeet Singh Resident of Bakarganj, P.o.- Bankipur, P.S.- Bakarganj, Distt.- Patna-800004
3. Amit Kumar S/o Umesh Prasad Sinha Resident of Bakarganj, Krishna Gopal Market, Near Leather World, P.o. and P.s.- Bankipur, Distt.- Patna-800004
4. M.D. Shahbaz Alam S/o Md. Ali Anshari Mohalla- Dildarganj, P.o. and P.s.- Laheriya Sarai, Distt.- Darbhanga-846001

... .. Petitioner/s

Versus

1. The Bihar State Power Holding Company Ltd. through the Managing Director, 1st Floor, Jawahar Lal Marg, Patna-1
2. The Chairman-cum-Managing Director Bihar State Power Holding Company Ltd., 1st Floor, Jawahar Lal Marg, Patna-800001
3. The Bihar State Power Transmission Company Ltd. through the Managing Director, 1st Floor, Jawahar Lal Marg, Patna-800001
4. The Managing Director Bihar State Power Transmission Company Ltd., 1st Floor, Jawahar Lal Marg, Patna-800001
5. The Bihar State Power Generation Company Ltd. through the Managing Director, 1st Floor, Jawahar Lal Marg, Patna-800001
6. The Managing Director Bihar State Power Generation Company Ltd., 1st Floor, Jawahar Lal Marg, Patna-800001
7. The North Bihar Power Distribution Company Ltd. through the Managing Director, 1st Floor, Jawahar Lal Marg, Patna-800001
8. The Managing Director North Bihar Power Distribution Company Ltd., 1st Floor, Jawahar Lal Marg, Patna-800001
9. The South Bihar Power Distribution Company Ltd., 1st Floor, Jawahar Lal Marg, Patna-800001
10. The Managing Director South Bihar Power Distribution Company Ltd., 1st Floor, Jawahar Lal Marg, Patna-800001
11. The General Manager (Human Resources), Bihar State Power Holding Company Ltd., 1st Floor Jawahar Lal Marg, Patna-800001

... .. Respondent/s

Appearance :

For the Petitioners	:	Mr. Kumar Kaushik, Advocate
For the Respondents	:	Mr. Vinay Kirti Singh, Sr. Advocate



CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 09-04-2019

Mr. Kumar Kaushik, learned counsel for the petitioners is permitted to add the General Manager (Human Resources), Bihar State Power Holding Company Limited as respondent no. 11 during the course of the day.

2. Heard the learned counsel for the petitioners and the State.

3. The petitioners, who are the association and the employees of Bihar State Power Holding Company Ltd., Patna, respectively are aggrieved by the fact that despite the circular of the Finance Department dated 27.05.2013 directing for counting of services rendered even prior to regularization of an employee for the purposes of grant of financial progression like ACP and MACP and the scheme of ACP and MACP having been adopted by the respondent Bihar State Power Holding Company Limited, the petitioners have been denied such financial progression without any basis and without assigning any reason to them.



4. The representation which has been filed before the General Manager of Bihar State Power Holding Company Limited on 03.04.2018 on behalf of the association, of which the petitioner no. 2 to 4 are members have not at all been adverted to or responded.

The petitioners have been regularized in service and prior to their regularization their contractual appointment was renewed from time to time. The aforesaid statement has been made to indicate that there has not been any break in the service of the petitioners. It has by now been established that for the purposes of granting financial benefits/post-retiral benefits, the period of service which is rendered as *ad hoc* or temporary is also to be counted. A stamp of approval over such proposition has been made by the Finance Department by virtue of the circular which has been referred to in the preceding paragraph.

5. Considering the aforesaid, this Court therefore, deems it appropriate to direct the General Manager



(Human Resources), Bihar State Power Holding Company Limited (respondent no. 11) to dispose of such representation and pass a reasoned order in accordance with law within a period of six weeks from the date of production of a copy of this order.

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

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.04.2019
Transmission Date	

