

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9054 of 2019

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Mohammad Wali, Son of Late Abdus Sami, R/o Village- Fatehpur (via-
sabour), P.S.- Zero Mile, Fatehpur, District- Bhagalpur. ... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Sinchai Bhawan, Patna
2. The Under Secretary, Water Resources Department, Sinchai Bhawan, Patna
3. The Chief Engineer, Mechanical, Water Resources Department, 70/84, New Punai Chak, Patna
4. The Superintending Engineer (Mechanical), Irrigation Electrical-cum-Mechanical Circle, New Harding Road, Barrack No. 4, Patna
5. The Principal Secretary, Finance Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Respondent/s : Mr. Vikash Kumar (SC-11)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner and the respondents.

The petitioner's grievance is that notwithstanding he is regularly working for the last 18 years and even performing the job of Draftsman, his case has not been considered for grant of promotion, although the case of his juniors have been considered for grant of promotion.

Alternatively, learned counsel for the petitioner submits that the petitioner is entitled for grant of ACP, which was formulated by the respondents to provide financial upgradation in the absence of availability of promotional avenues.

Considering the aforesaid, the writ application is



disposed of with a direction to the respondents to consider the case of the petitioner for grant of regular promotion, if the promotional posts are available and if there is no promotional post available for consideration of the case of the petitioner, they are required to consider the case of the petitioner for grant of ACP.

Necessary decision with regard to the claim of the petitioner for grant of regular cadre promotion or in alternative grant of ACP may be taken by the respondents within a period of 60 days from the date of receipt/production of a copy of this order and grant all consequential benefit within a further period of 30 days.

With the aforesaid, this application stands disposed of.

It goes without saying that if any person, junior to the petitioner, has been granted such benefit, the petitioner cannot be discriminated and the benefit must reach to the petitioner from the date the junior to the petitioner has been granted such promotion.

(Anil Kumar Upadhyay, J)

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