

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12454 of 2019

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Bhupendra Narayan Singh, aged about 62 years, male, S/o Rameshwar Prasad Singh, Resident of Village and P.O.- Mokama, Moldiar Tola, P.S. Mokama, Distt.-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department, Govt. of Bihar, Patna.
3. The Administrator, Bihar State Agricultural Marketing Board (Repealed), Pant Bhawan, Baily Road, Patna.
4. The Bihar State Agricultural Marketing Board (Repealed), Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.
For the Respondent/s : Ms. Anuradha Singh (SC21)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 27-06-2019

The petitioner has challenged the office order No. 49 dated 15.06.2015, contained in Annexure-3 to the writ petition, whereby the Administrator, Bihar State Agricultural Marketing Board (since superseded) has not granted the benefit of 1st ACP to him on the ground that he



was granted promotion earlier and ACP could only be granted to such persons who were never promoted.

2. The learned counsel for the petitioner has drawn the attention of this Court to the fact that initially the petitioner was appointed as a Cashier and was later inducted as Market Supervisor in the Bihar State Agricultural Marketing Board. Later, in the same pay-scale, his post was upgraded to that of a Market Supervisor.

3. This Court has further been informed by the learned counsel for the petitioner that the Bihar State Agricultural Marketing Board had not adopted the scheme of ACP, 2003 framed by the State Government and only on the orders of this Court in CWJC No. 9798 of 2008, the same was made applicable to the employees of the Marketing Board. However, with respect to the petitioner, such benefit was not accorded only on the ground that he has promoted earlier.

4. The learned counsel for the petitioner submits that though the post of the petitioner was upgraded from Cashier to Market Supervisor, nonetheless it was in the same



pay-scale. Promotion definitely entails placement of a person on a higher scale. Mere up-gradation or may be perhaps change in the name of the post held by the petitioner cannot be taken as a promotion and that could not be a ground for withholding the benefit of ACP which has been given to other employees of the since superseded Marketing Board.

5. The petitioner's representation before the Administrator regarding the aforesaid fact has yet not been acted upon.

6. Under the aforesaid circumstances, this Court directs the petitioner to make a representation before the Administrator, Bihar State Agricultural Board (since superseded) within a period of four weeks, ventilating his grievances and intimating to him that he was never promoted to the post of Market Supervisor and that the post of Cashier was upgraded in the same pay-scale and that the post of Market Supervisor was not a promotional post. The concerned respondent, *i.e.*, the Administrator of the superseded Board, on receipt of such representation, shall



pass a reasoned order in accordance with law within a further period of six weeks thereafter.

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

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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