

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13893 of 2011

Pradeep Kumar Singh, S/o Late Sahatu Singh, R/o Vill.-Jaitpura, P.S. - Nuon (Ramgarh), Distt-Kaimur At Bhabhua, presently posted as Assistant at Samaharanalaya, Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Patna Division, Patna.
3. The Collector -Cum- District Magistrate, Kaimur At Bhabhua.
4. The Sub Divisional Officer, Bhabhua, Kaimur.
5. The Block Development Officer, Mohania, Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Dharmendra Kumar Singh, Advocate
For the S t a t e : Mr Uday Prasad, AC to GP XXII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 05-08-2019 Heard learned counsel for the petitioner and the respondent-State.

Learned counsel for the petitioner submits that instead of the date on which benefit of Assured Career Progression (for brevity, ACP) has been granted to the petitioner, i e, in the year 2008, the petitioner should be granted the benefit with effect from 2004.

Learned counsel for the State points out, with reference to Annexure 1, i e, the order dated 19.09.2005 passed on petitioner's earlier writ petition bearing CWJC No 5104 of 2004 that since 2001, the petitioner was placed under



suspension and proceedings had been initiated by a charge memo.

This Court would observe that after initiation of proceedings and during pendency of the same, petitioner could not have been considered for and granted ACP in view of the Apex Court judgment in the case of Union of India & Others -Versus- K V Jankiraman & Others, (1991) 4 Supreme Court Cases 109.

Submission of the petitioner is not tenable that he should be granted ACP with effect from 13.11.2004.

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

(Madhuresh Prasad, J)

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