

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14912 of 2019

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Ramashray Singh S/o Late Rajendra Singh Resident of House No. 60, H/o Jagdish Prasad Singh, Road No. 15, Indrapuri, Patna at present residing at Mohalla- Road No. 8B, House No. 2B/202, Indrapuri Colony, P.O. and P.s.- Keshari Nagar, Distt.- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Science and Technology Department, Govt. of Bihar, Vishwaishwaraiya Bhavan, Bailey Road, Patna
2. The Special Secretary Science and Technology Department, Bihar, Patna
3. The Director Science and Technology Department, Govt. of Bihar, Vishwaishwaraiya Bhavan, Bailey Road, Patna
4. Managing Director Bihar State Agro-Industries Development Corporation Limited, Sinha Library Road, Patna
5. The Director Bihar Institute of Technology, Sindri, Distt.- Dhanbad, Jharkhand
6. The Director Technical Education, Science and Technology Department, Govt. of Bihar, Vishwaishwaraiya Bhavan, Bailey Road, Patna
7. The Principal Polytechnic College Gaya
8. The Accountant General Bihar, Beerchand Patel Path, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra, Advocate
For the State	:	Mr. Ravindra Kumar, A.C. to A.A.G. 6
For Accountant General	:	Ms. Namrata Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-07-2019 Heard learned counsel for the petitioner, learned counsel for the State as well as learned counsel appearing on behalf of the Accountant General.

2. The petitioner has filed present writ petition for two reliefs – firstly, that he was entitled to continue in service up to the age of 60 years but he was made to retire on attaining age of 58 years and, therefore, he should have been granted the benefit



of retirement on completion of age of 60 years. The second prayer is that he was entitled to grant of time bound promotion but that was not granted. The order contained in Annexure 11 is order of the respondent.

3. Learned counsel for the petitioner place reliance on Annexures 4 and 5 to claim that the petitioner is entitled to absorption in Government Polytechnic College and all consequential benefits. He place reliance on Annexure 4 dated 28.09.2012 and Annexure 5 dated 06.11.2012.

4. Documents contained in Annexures 4 and 5 issued after 12 years of superannuation of the petitioner and as such no reliance can be placed on the documents which were issued after 12 years of superannuation of the petitioner.

5. Reading Annexures 10 and 11 makes it crystal clear that this petitioner was sent on deputation as Lecturer to Government Polytechnic College, Gaya from Bihar State Agro Industries Development Corporation Ltd. The age of retirement in the Agro Industries Development Corporation was 58 years. In the Agro Industries Development Corporation, there is no provision for grant of time bound promotion. The petitioner claim that he should have been granted the benefit of extention in age of retirement and time bound promotion on the basis of



his deputation in Government Polytechnic College, Gaya. From the perusal of Annexure 11, it is apparent that the petitioner worked in the Government Polytechnic College, Gaya on deputation for a period of four years. The Scheme of time bound promotion ceases to exist with effect from 01.04.1999 in terms of AICTE Promotion Scheme. Since the petitioner has worked on deputation for four years and as such petitioner's claim for grant of second time bound promotion was rejected.

6. Mr. Umesh Kumar Mishra, learned counsel for the petitioner would submit that the petitioner was working as Lab Assistant in B.I.T., Sindri, District Dhanbad and from B.I.T., he joined service in Bihar State Agro Industries Development Corporation and, therefore, he was entitled to the benefit as Teacher and on his deputation to the Government Polytechnic College, Gaya, the petitioner was entitled to count of his previous service for the purpose of time bound promotion as well as for the purpose of extended age of superannuation treating to be employee of Government Polytechnic.

7. On consideration of the material contained in Annexures 10 and 11, the Court is of the view that the petitioner was sent on deputation from Bihar Agro Industries Development Corporation and his service was not absorbed in Government



Polytechnic College, Gaya. Deputationist is entitled to continue with the original terms and conditions of the employment in the Bihar Agro Industries Development Corporation. The age of superannuation in Government Polytechnic College can only be considered if the petitioner was absorbed in the Government Polytechnic College which is not a fact as the service of the petitioner was never absorbed in the Government Polytechnic College, Gaya. Similarly, the claim of the petitioner for grant of time bound promotion on the strength that he worked in the Government Polytechnic College, Gaya for four years is totally misconceived. Petitioner is not entitled to benefit of time bound promotion which was available to the employees of Government Polytechnic College.

8. In view of the discussion hereinabove, the present writ petition does not merit any consideration and is, accordingly, dismissed.

(Anil Kumar Upadhyay, J)

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