

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.406 of 2015
In
Civil Writ Jurisdiction Case No.10380 of 2006

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Sanjay Kumar Singh Son of Late Hari Narayan Singh Resident of village -
Kashipur, P.S. Raja Paker, District - Vaishali

... .. Appellant/s

Versus

1. The State of Bihar
2. The Secretary, Department of Youth Affairs, Sports and Culture Department,
Bihar, Patna
3. The Secretary, Department of Personal and Administrative Reforms Bihar,
Patna
4. The Secretary, Finance, Government of Bihar, Patna
5. The Secretary, Department of Human Resources, Development Bihar, Patna
6. The Joint Secretary, Youth Art and Culture Department, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Gyandra Kumar Shukla, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
and
HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE JYOTI SARAN)

Date : 09-04-2019

Heard Mr. Gyanendra Kumar Shukla, learned counsel
for the petitioner and learned counsel for the State.

This appeal arises from a judgment and order of the
learned Single Judge passed on the writ petition preferred by the
appellant arising from C.W.J.C. No. 10380 of 2006 whereby a



challenge to the order cancelling the promotion by way of working arrangement dated 22.05.2006 was not interfered with by the learned Single Judge to dismiss the writ petition.

When this matter was taken up for consideration before this Court learned State counsel informed that the case of the petitioner was pending consideration on promotional issue and thus an adjournment was prayed to place the correct position on record. It is thereafter that an affidavit is filed on behalf of the respondent No.2 and 6 through the Deputy Secretary, Art, Culture and Youth Department, Government of Bihar, Patna and a few paragraphs of the affidavit are sufficient to dispose of the appeal for in our opinion whatever be the grievance of the petitioner and whether or not the challenge of the appellant-petitioner to the cancellation of the promotional order by way of working arrangement, held merit, pales into insignificance.

The respondents in paragraph 9 of the supplementary counter affidavit filed on 02.04.2019 have informed that the petitioner has been promoted to the post of Deputy Director vide notification dated 02.05.2017 in the scale of Rs.15,600-39,100 with Grade Pay of Rs.6600/-. It is further mentioned at paragraph 12 of the counter affidavit that the proposal has been forwarded for giving promotion to the appellant to the post of Joint Director.

While discussing the service history of the petitioner



in paragraph 14 onwards it is mentioned that since post did not have promotional avenues nor any cadre rule had been framed that the petitioner was given a financial progression under the Bihar State Employees Conditions of Service (Assured Career Progression Scheme) Rules, 2003 (hereinafter referred to as the 'ACP Rules') on completion of 12 years of service in the next higher scale of Rs. 7500 - 12000 with effect from 17.11.2001. It is again stated in paragraph 21 that the pay scale was revised with effect from 01.01.2006 and on the enforcement of the Bihar State Employees Conditions of Service (Modified Assured Progression Scheme) Rules, 2010 (hereinafter referred to as the 'MACP Rules') the petitioner on completion of 20 years of service was given second MACP in Pay Band 2 (9300-35800) with Grade Pay of Rs. 5400/- with effect from 13.11.2009. It is after granting the financial progression pending under 'ACP Rules' and the 'MACP Rules' that petitioner has also been promoted to the post of Deputy Director on 02.05.2017 and is being considered for further promotion to the post of Joint Director.

In the nature of affidavit that is placed by the State we completely fail to appreciate the reason for the petitioner to pursue the present appeal as in our opinion, no cause subsists for the appellant- petitioner either on the initial challenge or in the



changed circumstances noted above, to maintain this appeal which
is disposed of accordingly.

(Jyoti Saran, J)

(Arvind Srivastava, J)

Bibhash

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	22-04-2019
Transmission Date	NA

