

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18951 of 2019

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Bhagwan Singh, S/o Late Sri Ram Binod Singh, residence of village and post
Kumna, P.S.- Koppa, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna
2. The Director General of Police, Bihar, Old Secretariat, Patna
3. The Director General of Police, Military Police, Bihar, Patna
4. The I.G. of Police, Military Police, Bihar, Patna
5. The D.I.G. of Police, Military Police, Northern Zone, Muzaffarpur
6. The Commandant, B.M.P.-13, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ram Hriday Prasad, Advocate
For the Respondent/s	:	Mr. Anil Kumar, Advocate
		A.C. to S.C. 8.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 24-10-2019

Heard learned counsel for the parties.

2. The petitioner was appointed as Constable on 04.03.1977. Admittedly, he was promoted to the rank of *Havildar* with effect from 18.12.2001 and Sub-Inspector of Police, with effect from 07.02.2013. He has been allowed 1st Assured Career Progression with effect from 3.10.2000 and 2nd Assured Career Progression with effect from 31.01.2010. It is noteworthy that earlier, he was given 2nd ACP with effect from 04.03.2001 which has been subsequently revised and instead 2nd M.A.C.P. has been



given to him with effect from 31.01.2010. The petitioner is aggrieved by the said decision and in that background, he has sought for the following reliefs:-

‘For issuance of an appropriate writ, order or direction to quash the order of screening committee presided over by D.I.G. of Police, Military Police, Northern Zone, Muzaffarpur, dated 08.04.2016 relating to the petitioner only (Annexure-3) by which date of 2nd A.C.P. w.e.f. 01.03.2001 has been shifted to 2nd M.A.C.P. w.e.f. 31.01.2010 and not giving the benefit of 3rd M.A.C.P. after 30 years of service. It is further prayed to grant the benefit of 2nd A.C.P. w.e.f. 01.03.2001 and 3rd M.A.C.P. from 04.03.2011 and for grant of all consequential benefits’.

3. This has to be kept in mind that scheme for Assured Career Progression has been made for the employees to overcome the stagnation, in case, they are not granted any promotion during their service career. The petitioner was admittedly allowed promotion to the rank of *Havildar* in 2001. In such circumstance, there would not have been any occasion for the respondents to allow him 2nd Assured Career Progression w.e.f. 04.03.2001, after completion of 24 years of service. The petitioner has been allowed



2nd M.A.C.P. with effect from subsequent date, as has been noted above, as he was granted regular promotion as *Havildar* w.e.f. 04.03.2001. The petitioner did not have to face any stagnation as he was granted further promotion to the rank of Sub Inspector of Police within 12 years of his promotion to the post of *Havildar*.

4. In such background, the relief which the petitioner is seeking, cannot be allowed.

5. This writ application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04/11/2019
Transmission Date	N.A.

