

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18531 of 2019

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Lakshman Singh, son of late Sitaram Singh, Resident of village-Narainpur,
P.S.-Itarhi, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Patna.
2. The Chief Engineer, Water Resources Department, Dehri, Dist-Rohtas.
3. The Superintending Engineer, Water Ways Circle, Bhahhua.
4. The Executive Engineer, Dehri Division, Water Resources Department, Dehri.
5. The Treasury Officer, Dehri, Rohtas.
6. The Accountant General, Bihar, Birchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the Respondent/s	:	Mr. Vijay Kumar Verma, Advocate A.C. to G.A. 2
For the A.G. Bihar	:	Mr. Satyendra Kumar Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 23-09-2019

Heard learned counsel for the parties.

2. Following reliefs has been sought in the present writ application:-

(i) For a direction upon the respondent No. 3 (Chief Engineer, Water Resource Department) to consider the case of the petitioner for grant of regular promotion to the post of Driver (Special Category) in pay scale of Rs.5000-8000/- or in alternative grant MACP to the petitioner w.e.f. 01.01.2009 with all consequences.



(ii) For a direction upon the respondents to shift the date of grant of 2nd ACP from 24.12.2004 to 09.08.1999 as the petitioner had already completed 24 years of service on the date the ACP was made effective (i.e. 09.08.1999)

(iii) For a direction upon the respondent to give effect to the office order dated 24.07.2015 as contained in Annexure-2, whereby the pay scale of the petitioner was fixed on Rs.9300-34800 (unrevised scale of 5000-8000/-) with effect from 01.01.2006 and further for quashing of office order dated 25.08.2015 whereby the pay scale of Rs.5000-8000/- was reduced to Rs.4500-7000/-

3. Learned counsel appearing on behalf of the petitioner, has fairly submitted that she would not be pressing relief Nos. (ii) and (iii) as the entitlement of petitioner to second ACP has been granted with effect from 24.12.2004 after completion of 24 years of regular service and 1st ACP was denied, because the petitioner was granted a regular promotion to the Driver Grade-II.

4. It has further been argued that under Bihar Drivers Recruitment and Service Conditions Rules, 2007, the petitioner is entitled for being considered for promotion to the post of Driver (Special Category) in the scale of Rs.5000-8000.



5. Considering the facts and circumstances as stated in the writ application, it is being disposed of with a direction to respondent No. 2, to consider the case of the petitioner for grant of promotion to Driver (Special Category), in accordance with the law and the rules. It is true that there is no fundamental right to promotion, but, the right to be considered for promotion, is a significant legal right, which cannot be ignored by an employer. It is accordingly observed, that respondent No. 2 shall consider the petitioner's case for promotion in that light within the period of three months.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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