

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1319 of 2012

Dr. Jawahar Lal Son of Late Shiva Lal Resident Of Mohalla - Maula Ganj Nai
Sarak New Road, P.S. Civil Line Thana, Gaya, Distt. Gaya

... .. Petitioner

Versus

1. The State of Bihar
2. The Secretary, Animal Husbandry And Fisheries Department
3. The Joint Secretary, Animal Husbandry and Fisheries Department

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Ram Hirday Prasad with Ms. Maruti Kumari, Advts.
For the Respondents	:	Mr. Mujtabaul Haque GP-12 with Mr. Vasant Vikash AC to GP-12

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 20-02-2020

Heard learned counsel for the petitioner and learned
counsel for the Respondent -State.

The petitioner's grievance is that he has been deprived of
his benefits of Time Bond Promotion and Assured Career
Progression Scheme (for short 'A.C.P.'). A direction has been
sought that the Authorities should extend the benefits to the
petitioner.

The petitioner is a retired Veterinary Doctor. The claim of
the petitioner is that his first benefit under the A. C. P. became
due in the year 09.08.1999. The Authorities have rejected the
petitioner's claim and in support of such rejection statements
have been made in paragraph No. 10 of the counter affidavit that



the charge-sheet was submitted in *Khagaria* P.S. Case No. 93 of 2001 on 04.08.2005.

The petitioner's counsel relying upon the decision in the case of *Bank of India & Anr. vs. Degala Suryanarayana* reported in *1999(3) SC PLJR 83* submits that the relevant date was the date on which the petitioner became eligible i.e. on 09.08.1999. As on that date neither any charge memo was issued in any disciplinary proceedings nor charge-sheet filed in any criminal trial against the petitioner. Therefore, on that date, there was no obstacle in grant of benefits under the A.C.P. due to him w.e.f. 09.08.1999. The subsequent submissions of the charge-sheet in the criminal case on 04.08.2005, therefore, is immaterial.

On a consideration of the submissions of the rival parties, this Court is in agreement with the submissions advanced on behalf of the petitioner's counsel. The Authorities should take a decision afresh in respect of the petitioner's claim for First Time Bound Promotion without taking into consideration the fact of submission of charge-sheet on 04.08.2005 in *Khagaria* P.S. Case No. 93 of 2001. In order to facilitate such consideration, this Court would observe that the order dated 23.09.2011 earlier passed in respect of the petitioner's claim shall not stand in the



way of the fresh determination based on the observation indicated above.

The writ application stands allowed to the aforesaid extent.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	2.3.2020
Transmission Date	

