

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8931 of 2021

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Yamuna Prasad Singh Son of Late Ram Swarup Singh Resident of New Sidhauri Road, Dalmianagar, Post Office and Police Station Dalmianagar, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Chief Secretary, Government of Bihar, Old Secretariat, Patna.
3. The Agriculture Production Commissioner, Government of Bihar, New Secretariat Building, Patna.
4. The Principal Secretary, Department of Agriculture, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
5. The Joint Secretary, Department of Agriculture, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
6. The Deputy Secretary, Department of Agriculture, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
7. The Director, Agriculture, Bihar, Patna, Government of Bihar, New Secretariat Building, Bailey Road, Patna.
8. The Joint Director, Agriculture, Patna Circle, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma
For the Respondent/s : Mr. Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 16-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for respondents.

3. Counsel for the petitioner is hereby directed to serve copy of the writ petition to the counsel for the State/respondents, if it is not already served.



4. In the instant petition, petitioner has prayed for the following relief/reliefs:

“That this is an application praying for issuance of a writ in the nature of Mandamus or any other appropriate writ, order or direction directing the respondents to grant time bound promotion to the petitioner with effect from 12.4.1987 and so first Assured Career Progression Scheme benefits with effect 9.8.1999 after completion of 12 years of service in the pay-scale of Rs 6500-10500/- and after completion of 24 years of regular service the benefit of 2nd Assured Career Progression Scheme benefits with effect from 12.4.2001 in the then pay scale of Rs. 10000-15200/- as also the arrears/difference of pay as accrued after grant of Assured Career Progression Scheme benefits to the petitioner, inter alia the following reliefs.

(i) The respondents be directed to grant the benefits of scale enhancement in terms of time bound promotion and Assured Career Progression Scheme as per the entitlement of the petitioner as said above with a further direction to make payment of the arrears of difference of pay in calculating/reckoning the same after grant of Assured Career Progression Scheme benefits.

(ii) The respondents be directed to grant all the consequential benefits to the petitioner for which he is found legally entitled to.

(iii) Any other relief or reliefs be granted to the petitioner as he is legally entitled to in the facts and circumstances of the case.”

5. In support of aforesaid relief petitioner has submitted representations on 29.11.2019 *vide* Annexures P2 and P3 respectively. He is also relying on decision of this Court passed in C.W.J.C. No. 4595 of 2011 decided on 17.01.2019. In the light of these facts and circumstances, the concerned respondent is hereby directed to examine whether petitioner is entitled to A.C.P. benefits and time bound promotion with reference to his service particulars



read with the relevant provision of law or not? If the petitioner is entitled for the aforesaid benefits, the same shall be extended while passing an order and so also while extending monetary benefits. If the petitioner is otherwise not eligible, in that event, speaking order shall be passed as to what are the hurdles in not extending the benefits.

6. The above exercise shall be completed within a period of four months from the date of receipt of this order.

7. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

