

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9901 of 2020

Rabindra Pandey S/o Late Harishankar Pandey Resident of Ward No.11,
Shailwan, Sailwa Nagmatia, P.S.- Madanpur, District- Aurangabad (Bihar),
Pincode- 824208.

... .. Petitioner/s

Versus

1. Bihar State Power Holding Company Ltd. (Earstwhile Bihar State Electricity Board) Vidyut Bhawan, Bailey Road, Patna through its Chairman-cum-Managing Director.
2. Chairman-cum-Managing Director, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
3. Managing Director, Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
4. Director (HR Admin.), Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
5. General Manager (HR Admin.), Bihar State Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
6. General Manager (HR Admin.), North Bihar Power Distribution Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
7. Deputy General Manager (HR Admin.), North Bihar Power Holding Company Ltd., Vidyut Bhawan, Bailey Road, Patna.
8. Deputy General Manager-cum-Electricity Superintending Engineer, Tirhut Electric Supply Area, Muzaffarpur.
9. Electrical Executive Engineer, Electric Supply Division, Gopalganj, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Shanti Pratap, Advocate
For the Respondent/s	:	Mr. Vinay Kirti Singh, Sr. Advocate

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

Date : 07-01-2022

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

2. State Counsel accept notice for respondents.

3. In the instant petition, petitioner has sought for



following reliefs:

“(i) For, commanding the respondents to pay the monetary benefit of 1st Time Bound Promotion w.e.f. 01.07.1995 with interest.

(ii) For, a direction to the respondents to consider the case of the petitioner for grant of the benefits of, 2nd ACP and 3rd ACP as the petitioner has rendered his services for 33 years 4 months 4 days.

(iii) For, commanding the respondents to fix pensionary benefit flowing out of the aforesaid benefits promotion.

(iv) For, a direction to the respondents to pay Annual increment w.e.f. 17.11.1993 with interest and salary for the month of May 2016.

(v) For, holding that the impugned non-consideration of the claim of the petitioner in the matter of giving monetary benefits on account of 1st Time Bound Promotion, and giving benefit of 2nd ACP, 3rd ACP are illegal, arbitrary and without any lawful jurisdiction.

(vi) For any other relief/reliefs as your lordships may deem fit and proper.”

3. Short question for consideration in the present petition is whether petitioner is entitled to 2nd and 3rd ACP with reference to his service records read with eligibility or not? In this regard, petitioner is stated to have submitted representations on 07.05.2019, 10.05.2019 and 13.06.2019 followed by reminder dated 16.01.2020.

4. Therefore, the concerned respondent is hereby directed to pass speaking order as to whether petitioner is



entitled to 2nd and 3rd ACP benefits with reference to his service records read with policy decision of the State Government in extending ACP to its employees. The above exercise shall be completed within a period of three months from the date of receipt of this order. The speaking order shall be communicated to the petitioner.

5. with the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

