IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1716 of 2021

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Bijay Kant Jha, Son of Late Jatadhari Jha, Resident of Mohalla- Kamalnagar in the town of Bhagalpur, P.O.- Mirjanhat, Distt.- Bhagalpur, PIN 812001.

... ... Petitioner/s

Versus

1. The Union of India through the Chairman -cum- Managing Director BSNL Bharat Sanchar Bhawan, Harish Chandra Mathur Lane, Janpath, New Delhi-110001.
2. The Chief General Manager, Telecom Bihar Telecom Circle, Patna.
3. The Controller of Communication Accounts, BSNL, Bihar Circle, Patna.
4. The Accounts Officer SEA Section Sanchar Sadan, Budh Marg, Patna-800001.
5. The Accounts Officer, (DOT Cell), O/o Controller of Communication Accounts CTO Annexe Building, Patna- 800001.
6. The Dy. General Manager, (CA), Bihar Telecom Circle, SEA Section, Sanchar Sadan, Budh Marg, Patna- 800001.
7. The Telecom District Manager, BSNL, Munger.

... ... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Respondent/s : Mr. Harendra Prasad Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 10-11-2022

The petitioner has assailed the order of the Central Administrative Tribunal, Patna Bench, Patna dated 26.04.2019 passed in OA No. OA/050/00936/2015.

Crux of the matter in the present petition is whether the petitioner is entitled to benefit of executive promotion policy for extending certain monetary benefits with reference to number of years of service rendered by him in particular post or not?

Learned counsel for the petitioner all along submitted that he was not regularly promoted to the post of Chief Accounts Officer on 18.08.2004. He was only appointed on *ad hoc* basis. Therefore, service rendered by him in the feeder cadre to the Chief Accounts Officer is required to be taken into consideration for the purpose of extending service/monetary benefits under the executive promotion policy dated 18.01.2007.

Per contra, learned counsel for the respondents resisted the aforesaid contention and supported the order of the Tribunal. It is submitted that petitioner was absorbed in the BSNL on 01.10.2000. He has earned promotion to the post of Chief Accounts Officer on officiating basis/*ad hoc* basis on 18.08.2004 in the pay-scale of Rs. 14500-18700/-. Further, he has attained age of superannuation and retired from service on 31.01.2006. In this backdrop, question for consideration is that is he entitled to any benefit under executive promotion policy or not? In this regard, rightly the Tribunal has denied the relief sought by the petitioner on the score that his promotion to the post of Chief Accounts Officer is on officiating and pay-scale has been extended as is evident from his service book.

Heard learned counsels for the respective parties.

The petitioner services were absorbed in BSNL on 01.10.2000. He was awarded officiating/*ad hoc* promotion to the post of Chief Accounts Officer on 18.08.2004 in the pay-scale of Rs. 14500-18700/- and he has attained age of superannuation and retired from service on 31.01.2006. The executive promotion policy was evolved by the department on 18.01.2007. If the petitioner had not been promoted to the post of Chief Accounts Officer in the pay-scale of Rs. 14500-18700/- in that event petitioner had certain grouse in seeking service and monetary benefits under executive promotion policy dated 18.01.2007 with reference to criteria laid down in the policy. On the other hand, when the petitioner was promoted to the post of Chief Accounts Officer while extending pay-scale of Rs. 14500-18700/- which is the pay-scale attached to the post of Chief Accounts Officer. Merely, the word used in the documents that officiating promotion on *ad hoc* basis to the post of Chief Accounts Officer dated 18.08.2004 one cannot draw inference that petitioner has been promoted on *ad hoc* basis it is to be noted that once pay-scale attached to the post of Chief Accounts Officer has been extended the contention of the petitioner that he has been promoted on *ad hoc* basis and therefore, he had lien in the feeder cadre cannot be accepted for the purpose of determining whether petitioner is entitled to service/monetary benefits under the executive promotion policy dated 18.01.2007. If the petitioner's argument is to be accepted in that event he has not established that he had been extended some allowance in the post Chief Accounts Officer. On the other hand service book is evident that he had been extended pay-scale attached to the post of Chief Accounts Officer.

In the light of these facts and circumstances, the petitioner has not made out case. Accordingly, the present petition stands dismissed while affirming the order of the Central Administrative Tribunal, Patna Bench, Patna dated 26.04.2019 passed in OA No. OA/050/00936/2015.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Vikash/-

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