

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.43 of 2022

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Sunil Kumar Son of Late Balmiki Sharma, resident of Village - Amain, Police Station- Parasbigha in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
2. The Principal Secretary, Panchayat Raj Department, Government of Bihar, Patna.
3. The Director, Panchayat Raj Department, Government of Bihar, Patna.
4. The District Magistrate -cum-Collector, Jehanabad.
5. The Zila Parishad, Jehanabad through its Chief Executive Officer.
6. The Chief Executive Officer-cum-District Development Officer, Zila Parishad, Jehanabad.
7. The Chairman, Zila Parishad, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar, ADv
For the Respondent/s	:	Mr.Kumar Alok (SC7)
For the Zila Parishad	:	Mr.Nikesh Kumar, Adv

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 14-09-2023 Heard learned counsel for the petitioner, learned counsel for the respondent and learned counsel for the Zila Parishad.

2. In the instant writ application, the petitioner seeks a direction upon the respondents to grant benefit of financial progression under first Assured Career Progression (for brevity 'A.C.P') w.e.f., 15.05.2004, and second A.C.P w.e.f., 16.05.2014. The petitioner's claim to have retired as In-charge Head Clerk on 30.06.2018 from the office of the Zila Parishad,



Jehanbad.

3. On a query made by the Court, whether the benefit of A.C.P is available to employees of the Zila Parishad, a supplement affidavit has been filed by the petitioner. The communication dated 30.10.2013, Annexure 3 to the Supplementary Affidavit, has been placed on record from the Panchayat Raj department to the Deputy Development Commissioner-cum-Chief Executive Officer of the Zila Parishads (respondent no.5).

4. The submission is that the department has already written to the Zila Parishads with regard to A.C.P as long back as in the year 2013. Even though the financial status of the Zila Parishad is very solvent and there are sufficient funds, still till date, the authorities have not paid any A.C.P to the petitioner.

5. The Court, on consideration of the letter dated 30.10.2013, Annexure 3 to the Supplementary Affidavit, would find that the same is a communication to the various Zila Parishads clearly stating that it is for the Zila Parishads individually to take a decision regarding grant of A.C.P to its employees or not. Such decision is to be taken by them having regard to the financial liability that would arise if such benefits were to be made available to the employees. The State



Government, as per letter relied upon by the petitioner, has clearly stated that it will not be bearing any financial liability in this regard and therefore has let it to the Zila Parishads to decide as a matter of policy whether they would be extending benefit of A.C.P to their employees or not. The said communication does not vest any right in the petitioner or any employee so as to claim a direction for payment of A.C.P as has been sought by way of the instant writ petition.

6. At this juncture, the learned counsel for the petitioner submits that at least a direction be issued to the authority to dispose of the representation filed by the petitioner, as has been done in the case of one Arjun Sharma, who was an employee of the Zila Parishad at Gaya in C.W.J.C. No. 6594 of 2016. The prayer regarding disposal of representation claiming parity with Arjun Sharma (supra) is also, in the opinion of the Court, without any substance. The letter of the State Government which has been brought on record in the instant proceedings was not before the Court in those proceedings, as is apparent from the order passed in C.W.J.C. No. 6594 of 2016.

7. The letter of the State Government having been placed by the petitioner on record in this proceeding, the Court has arrived at a conclusion regarding their being no right.



Therefore, the Court would leave it to the petitioner to persue his representation.

8. Accordingly, writ petition is dismissed.

(Madhuresh Prasad, J)

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