

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15953 of 2023

Priya Ranjan Kumar Son of Late Ram Sagar Singh, resident of village and
P.O. - Chiraura, P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Energy Govt. of Bihar, Patna.
2. The Chairman-cum-Managing Director, Bihar State Power Holding Corporation Limited.
3. The General Manager-cum-Chief Engineer PESU, Area, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sri Niwas Jha, Advocate
For the Respondent/s	:	Mr. Abbas Haider, SC-6
		Mr. Syed Hussain Majeed, AC to SC-6
For B.S.P.H.C.	:	Mr. Hansraj, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-12-2023 Heard Mr. Sri Niwas Jha, learned counsel appearing on behalf of the petitioner and Mr. Hansraj, learned counsel for the Bihar State Power Holding Corporation, the State is represented by Mr. Syed Hussain Majeed.

2. The petitioner after serving more than 35 years in the Bihar State Power Holding Corporation Ltd., finally superannuated on 31.05.2018, as telephone operator. However, on account of non-payment of all his pensionary benefit and other dues, he was compelled to approach before this Court by filling C.W.J.C. No. 15053 of 2021, which was disposed off on 25.02.2023, with a direction to the petitioner to file representation before the respondent no. 3, within a period of four weeks, raising the aforesaid claim.

3. It is submitted on behalf of the petitioner that



irrespective of the fact that the petitioner was entitled to be granted 3rd A.C.P. with effect from August, 2011, he has been granted the benefit with effect from August, 2013 in complete defiance of the resolution governing the case of the petitioner. He next submits that when the said issue was raised before the respondent Holding Corporation, the Electric Executive Engineer vide its letter contained in memo no. 730, dated 10.05.2010, wrote to the Electric Superintendent Engineer PESU region, Patna to place the matter before the A.C.P. Committee to consider the entitlement of the petitioner to receive the benefit under the Assured Career Progression scheme by determining the due date of its payment.

4. He further submits that in compliance to the order of the Court dated 25.02.2023, a detailed representation has been filed, however, instead of relegating the matter to the A.C.P. Committee, the General Manager-cum-Chief Engineer, PESU region, Patna has passed the impugned order holding the petitioner entitled for the benefit of 3rd A.C.P., with effect from August, 2013 on relying upon a resolution No. 134 dated 20.08.2020 read with resolution no. 76 dated 07.05.2012.

5. He lastly submits that in any view of the facts the impugned order to the extent the petitioner has been denied the benefit of 3rd A.C.P. with effect from August, 2011 is unjustified,



illegal and fit to be set aside.

6. On the other hand, Mr. Hansraj, learned counsel representing the Holding Corporation while refuting the contention of the petitioner, drew the attention of this Court to the impugned order as contained in annexure-3. Referring to the aforesaid memo, he submits that the erstwhile Bihar State Electricity Board vide resolution No. 134 dated 20.08.2020 read with resolution No. 76 dated 07.05.2012 while adopting the A.C.P. Scheme like the State Government, with certain amendment with effect from 01.01.2009 rescinded all the earlier resolution/orders relating to Time Bound Promotion and resolved to extend the benefit of A.C.P. to the Engineers of General and G.T.O. Cadre after completion of 8, 16 and 24 years of service and the employees of other cadre shall be extended the benefit of 1st, 2nd and 3rd A.C.P. after completion of 10, 20 and 30 years.

7. He further submits that the aforesaid resolution clarified that the employees who have already received two time bound pay scale or promotion, shall be entitled for the benefit of 3rd A.C.P. only.

8. The petitioner was appointed as Telephone operator on 01.08.1983 and allowed the benefit of Selection Grade in the year 1993. Thereafter he was accorded Senior Selection Grade



after completing 18 years of regular service with effect from 2001. Since the petitioner had already accorded the benefit of Selection Grade and Senior Selection Grade, thus after completion of 30 years of service, he has been rightly allowed the benefit of third A.C.P. with effect from August, 2013.

9. This Court has heard the submissions made on behalf of the parties and considering the fact that the petitioner has been allowed the benefit of 3rd A.C.P. in conformity with the A.C.P Scheme as also with the provisions contained in resolution no. 134, dated 20.08.2020 read with resolution no. 76, dated 07.05.2012, no illegality is found in the impugned order to the extent it is assailed.

10. In absence of any challenge to the aforesaid resolution, this Court cannot examine the legality of the resolution whereby the benefit of third A.C.P. has been granted to the petitioner.

11. In that view of the matter, this Court doesn't find any merit in the present writ petition and accordingly the writ petition stands dismissed.

(Harish Kumar, J)

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