

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1662 of 2019**

**In**

**Civil Writ Jurisdiction Case No.17483 of 2019**

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Rajnish Thakur, son of Late Buddhilal Thakur, resident of Village and Post Achara, Police Station Phulkaha, District Araria.

... .. Appellant/s

Versus

1. The State of Bihar through Secretary, Minor Irrigation Department, Government of Bihar, Patna.
2. The Chief Engineer, Minor Irrigation Department, Bhagalpur.
3. The Superintending Engineer, Minor Irrigation Circle, Water Resource Department, Saharsa.
4. The Executive Engineer, Minor Irrigation Division, Water Resource Department, Madhepura.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Sanjeev Kumar Singh, Advocate

For the Respondent/s : Mr. Ajeet Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**

**and**

**HONOURABLE MR. JUSTICE HARISH KUMAR**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)**

**Date : 07-04-2023**

Heard Mr. Sanjeev Kumar Singh, learned advocate for the appellant and Mr. Ajeet Kumar for the State.

The appellant had approached the writ Court for a direction to grant him the benefit of 1<sup>st</sup> and 2<sup>nd</sup> Assured Career Promotion (hereinafter referred to as 'ACP') w.e.f. 01.12.2001 and 01.12.2011 respectively



along with the benefit of 1<sup>st</sup> Time Bound Promotion w.e.f. 01.12.1989 and also for pay fixation in terms of 7<sup>th</sup> Pay Revision w.e.f. 01.01.2016 and consequential monetary benefits on due consideration of the representation of the petitioner.

The learned Single Judge vide his judgment dated 22.10.2019 did not accede to such prayer on the basis of the fact that the appellant had been allowed 1<sup>st</sup> ACP w.e.f. 20.11.2002 after completing 12 years from the date of his absorption and MACP w.e.f. 20.11.2010. The appellant was not found to be eligible for being given time bound promotion as he was never in regular service in 1989. The learned Single Judge even though took into account the contention of the appellant that the State Government has decided to treat the period spent under Work Charge Establishment also for the purposes of time bound promotion but, refused to accede to the request of the appellant as he had approached the Court after three decades on the strength of the judgment



delivered in ***Amrendra Kumar Singh Vs. State of Bihar and Others, 2008 (4) PLJR 592.***

The time bound promotion is a matter of Government policy and to enforce such policy, the Court should not come to the rescue of persons who sit over their cause, if at all it exists. Even otherwise, the appellant has not made out any case for many of the reliefs, which were prayed before the learned Single Judge.

We do not find any merit in this appeal. It is, accordingly, dismissed.

**(Ashutosh Kumar, J)**

**(Harish Kumar, J)**

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