

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16605 of 2013

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Azad Paswan S/O Late Bineshwar Paswan Resident Of Village P.O. Raipurkolbiga, P.S. Tharthari, District - Nalanda Presently Posted As Panchayat Sachiv Rajgir Block Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda
3. The District Panchayat Raj Officer, Nalanda
4. The Block Development Officer, Rajgir, Nalanda

... .. Respondent/s

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Appearance :

For the Petitioner/s : None
For the Respondent/s : Mr. Shiv Kumar, AC to GA- 3

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

3 11-11-2024 None appears on behalf of the petitioner, however,

learned counsel for the State is present.

2. The petitioner claiming to be appointed as Panchayat Sewak at District Panchayat Work Islampur, Nalanda on 15.05.1991, has filed this writ petition seeking a direction to the respondents to grant the first and second Assured Career Progression (A.C.P.) / M.A.C.P. to the petitioner. According to the petitioner, the petitioner is entitled to the Assured Career Progression (A.C.P.) / M.A.C.P., since 15.05.2003. The petitioner has further prayed for a direction to pay the entire arrears of difference of salary and consequential benefits from the date of his entitlement of his Assured Career Progression



(A.C.P.) / M.A.C.P.

3. The respondents have contested the case by filing a counter affidavit on behalf of respondents Nos. 2 - 4, wherein, in paragraph Nos. 6 - 9, it has been stated as under:-

“6. That it is pertinent to mention here that initially the petitioner made claim for grant of ACP as per scheme after completion of 12 years service as Panchayat Sevak w.e.f. 15.05.2003. In pursuance to the petitioner's representation, his grievance was put up for consideration in the meeting of the District Level Screening Committee, Nalanda headed by the respondent no. 02 and during the scrutiny of the service record of the petitioner it was found that the petitioner has not completed regular service of 12 years, which is necessary for grant of ACP as per guidelines, in this regard issued by the department of Finance, Govt. of Bihar in Circular No. 4685 dated 25.06.2003 and 7566 dated 14.07.2010.

7. That from the service record of the petitioner, it appears that there is breakage of service from 01.08.1994 to 31.08.1994 and from July 2000 to March 2002 and subsequently breakage of service of the petitioner was found as January 2009,



February 2009, January 2010, July, 2010 and August 2010 from January 2011 to April 2011, from 01.05.2011 to 02.05.2011, 12.05.2010 to 26.05.2010 and 01.03.2012 to 31.06.2012. Therefore, considering the breakage of service of the petitioner, he was not found eligible for grant of ACP and accordingly, his representation was rejected by the District Level Screening Committee, Nalanda as it contained in Memo. no. 903 dated 21.06.2018.

8. That it may not be out of place to mention here that no continuous service for the prescribed period for grant of ACP/MACP under the provisions as mentioned in Govt. circular has been completed by the petitioner and therefore till retirement from service, he never made himself eligible to get benefited with the scheme ACP/MACP.

9. That it may not be out of place to mention here that earlier the petitioner was suspended vide order contained in Memo. No. 142 dated 03.05.2011 and a departmental proceeding was directed to be issued against him on the allegation of irregularity made in drought subsidy distribution while he was posted as Panchayat Sachiv in Gram Panchayat, Pachalova, Block- Islampur, District-



Nalanda and he was released from suspension vide order as contained in memo. no. 611 dated 07.05.2012 issued by the respondent District Magistrate, Nalanda. However, in the light of enquiry report submitted by the conducting officer, he was awarded punishment of withdrawal of three increments with non-cumulative effect vide order contained in memo. no. 466 dated 11.04.2018 issued by the respondent District Magistrate, Nalanda. Prior to that he was awarded punishment of the withdrawal of two increments with non-cumulative effect on, being found guilty in another departmental proceeding conducted on the allegation that coupons of APL, BPL and Annapurna scheme were not distributed among the consumers by him.

4. On perusal of paragraph Nos. 6 and 7 of the counter affidavit filed on behalf of respondent Nos. 2 - 4, which has been extracted hereinabove, it appears that the petitioner's claim for grant of Assured Career Progression (A.C.P.) was examined by the respondent authorities and on examination it was found that the petitioner did not complete regular service of 12 years, which was a requirement for grant of Assured Career Progression



(A.C.P.) as per the guidelines issued in that regard by the Department of Finance, Government of Bihar in Circular No. 4685 dated 25.06.2003 and 7566 dated 14.07.2010. That apart, it has also been found by the respondent authorities that there is a break in service of the petitioner for the periods indicated in paragraph No. 7 of the counter affidavit filed on behalf of respondent Nos. 2 - 4, which has been extracted hereinabove.

5. The petitioner has not filed a rejoinder to the counter affidavit filed on behalf of respondent Nos. 2 - 4.

6. Under the circumstances, since the claim of the petitioner for grant of Assured Career Progression (A.C.P.) / M.A.C.P. has been examined by the respondent authorities and on such examination it has been found that the petitioner is not entitled for Assured Career Progression (A.C.P.) / M.A.C.P. on the ground that the petitioner has not completed 12 years of regular service, in terms of guidelines issued in that regard by the Department of Finance, Government of Bihar in Circular No. 4685 dated 25.06.2003 and 7566 dated 14.07.2010 and also on the ground of break in service of the petitioner for the periods mentioned in paragraph No. 7 of



the counter affidavit, which has been extracted
hereinabove, I find no merit in the instant writ petition
and the same stands dismissed.

(Nani Tagia, J)

Siddharth
Sagar/-

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