

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8800 of 2024

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Shailendra Kumar Singh S/o- Ramakant Prasad Singh, R/o- Village-
Bhagwanpur Kamla, P.S.- Ujiarpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Water Resources, Government of Bihar, Patna.
2. The Chief Engineer, Irrigation Creation, Water Resources Department. Motihari.
3. The Superintending Engineer, Tirhut Canal Circle, Motihari.
4. The Executive Engineer, Tirhut Canal Division, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mrs.Namrata Mishra, Sr. Advocate Mrs. Anamika Kumari, Advocate Mr. Chhotelal Mishra, Advocate Mrs. Archana Jha, Advocate
For the State	:	Mr. Yogendra Pd. Sinha, AAG-7 Mr. Rajeev Kumar Sinha, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 11-02-2026

Heard learned Sr. Counsel for the petitioner and

learned counsel for the State.

2. The present writ petition has been filed with a limited prayer seeking a direction to the respondents to count the past services rendered by the petitioner as an ad hoc/casual/seasonal employee on the vacant post of Typist in the office of the Deputy Collector, Revenue Division, Gandak Yojna, Motihari, from 09.12.1987 till the regularization of his services on 29.06.2002, for the purpose of grant of benefits under the Modified Assured Career Progression Scheme Rules,



2010, and further for a direction to revise his pay scale and make payment of consequential arrears of salary.

3. Learned Senior Counsel for the petitioner fairly submits that the services of the petitioner were admittedly regularized with effect from 29.06.2002. It is further submitted that thereafter the petitioner has been receiving his dues and salary by treating him as a regular employee. Learned counsel contends that the petitioner had been continuously discharging duties since 09.12.1987, though described as an ad hoc/casual/seasonal employee, against a vacant post of Typist. On such basis, it is argued that the past services of the petitioner ought to be counted for the purposes of ACP/MACP benefits.

4. Learned counsel for the State, on the other hand, submits that the petitioner had initially been engaged as a daily wage employee and services rendered in such capacity cannot be counted for the purpose of grant of ACP/MACP benefits. In support of the said contention, reliance has been placed upon Finance Department Resolution No. 5376 dated 27.05.2013, wherein it has been clarified that only services rendered as a temporary employee and against a temporary post are to be counted for ACP/MACP benefits but a daily wager cannot be said to be and comes within the definition of the temporary post



according to resolution no. 5376 dated 27.05.2013. It is further submitted that the MACP Rules clearly provide that only regular service shall be taken into consideration. Since the petitioner was regularized with effect from 29.06.2002, the benefits have rightly been computed from the said date.

5. Having heard learned counsel for the parties and upon perusal of the pleadings as well as Finance Department Resolution No. 5376 dated 27.05.2013, it appears that the petitioner was engaged on the post said to be सामयिक पद. Meaning thereby he has to do the work on the said post time to time and not continuously. It is due to this reason, this Court held that the service of the petitioner cannot be treated at par with the employees mentioned in the said Resolution No. 5376 dated 27.05.2013 and only due to this reason, his services cannot be treated as regular w.e.f 29.06.2002.

6. With this view of the matter, the present writ petition stands dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	11/02/2026
Transmission Date	NA

