

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.356 of 2022

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Bhupendra Narayan Singh Son of Rameshwar Prasad Singh resident of
Village and P.O. Mokama, Moldiar Tola, P.S. - Mokama, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Finance Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Finance Department Govt. of Bihar, Patna.
3. The Administrator, Bihar State Agricultural Marketing Board (since
superseded), Pant Bhawan, Baily Road, Patna.
4. The Bihar State Agricultural Marketing Board (since superseded), Patna,
through its Administrator.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vaidehi Raman Prasad Singh, Advocate Mr. Ashutosh Ranjan, Advocate
For the Respondent/s	:	Smt. Anuradha Singh, SC-21

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

10 29-06-2026 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The petitioner has filed the instant application for
the following relief(s):

*“(i) For grant of an appropriate writ for
quashing that part of the office order No.01.Stha-Pay-
03/2015-16/49 dated 15.6.2015, whereby the petitioner
has been denied the benefit of 1st financial progression
under Assured Career Progression Scheme 2003
allegedly on the ground that the same was not
admissible to him on account of his promotion.*

*(ii) For grant of an appropriate writ for
quashing the order dated 10.01.2020 passed by the
Administrator Bihar State Agriculture Marketing Board*



(since Superseded), Agriculture Department, Govt. of Bihar issued under Memo no. 15/Vidhi-68/2018-38/Patna dated 10.01.2020 rejecting the representation of the petitioner for grant of 1st financial progression under A.C.P Scheme to the petitioner.

(iii) For grant of an appropriate writ for grant of 1st financial Progression under Assured Progression Scheme, 2003 to the petitioner from due date and to make payment of arrear of salary etc. accrued on account of grant of such financial progression with interest thereon.”

3. The case of the petitioner in brief is that he was appointed as a Cashier in the Bihar State Agricultural Marketing Board on 16.8.1980 and was posted at Bazar Samiti, Mosalahpur, Patna. The petitioner started working on the said post. Subsequently, the same was changed/converted to the post of Market Supervisor carrying the same pay scale. Thus, the petitioner started working as a Market Supervisor. Not having been granted any promotion in absence of any promotional avenues nor having been given the benefit of Assured Career Progression Scheme, 2003 ('ACP scheme' in short), the petitioner moved before the authorities concerned for grant of benefit under the ACP scheme. The same came to be rejected by order dated 15.6.2015 passed by the Administrator, Bihar State Agricultural Marketing Board (since superseded).

4. The petitioner challenged the order dated 15.6.2015



of the Administrator by filing CWJC no.12454 of 2019. The writ application was disposed of with a direction to the petitioner to file a representation before the Administrator, Bihar State Agricultural Marketing Board (since superseded) within a period of four weeks which was to be decided in accordance with law within the time fixed.

5. Learned counsel for the petitioner submits that the petitioner filed a representation which came to be rejected by order dated 10.1.2020 (Annexure-5) passed by the Administrator which has been challenged in the instant writ application.

6. It is submitted by learned counsel for the petitioner that the petitioner was appointed on the post of Cashier in the year 1980. The said post came to be converted into a post of Market Supervisor in the year 1982. The petitioner not having been given any promotional benefits, he was entitled for the benefits of ACP scheme, which has been illegally denied to him by the order impugned. As such the writ application.

7. The application is opposed by learned counsel appearing for the State of Bihar. Learned counsel for the respondents submits that the petitioner was working on the post of Cashier and receiving the pay scale of Rs.220-315/- which



was replaced after the 4th pay revision with Rs.535-765/-. So far as the post of Market Supervisor is concerned, the same is a higher post and the pay scale of the same was Rs.284-372/- which was replaced after the 4th pay revision with Rs.680-965/-.

8. Heard learned counsel for the parties and perused the material on record.

9. With respect to the above contention made by learned counsel for the respondents, it may be observed that from paragraph no.5 of the counter affidavit filed on behalf of the respondents on 17.4.2026 itself, it would transpire that the petitioner who was working on the post of Cashier, the said post itself was converted and he was transferred and posted on the post of Market Supervisor at Bhagalpur Agriculture Produce Market Committee (dissolved).

10. Further even if the contention of learned counsel for the respondents is accepted that the post of Market Supervisor was a separate post having higher pay scale, nevertheless the petitioner would be entitled for the benefits under the ACP scheme, 2003 as per clause 4 thereof, relevant portion of which is reproduced herein below for ready reference:

“4. Eligibility and Conditions: Eligibility

under the Scheme shall be governed by the



following conditions:-

(1) The basic criterion for grant of financial Progression under the Scheme is that the employee concerned should have been working for 12/24 years in the same pay scale including revised pay scales. In such a case higher pay scales shall be sanctioned even if he has worked on different posts in the same pay scale:

Provided that if the appointment is made to a post different from the post of original appointment in higher pay scale, it shall be treated as direct appointment and previous service shall not be counted for the purpose of grant of benefit of financial Progression under ACP Scheme.

For example: (i) If a person working as Sweeper is recruited to the post of Orderly carrying the same pay scale, the previous service will be counted.

(ii) In case of recruitment from the post of Orderly to the post of Driver carrying higher pay scale, the service rendered in the post of 'Orderly' shall not be counted.”

11. Having heard learned counsel for the parties and having perused the material on record specially clause 4 of the ACP Rules, in the opinion of the Court, even if the post of Cashier on which the petitioner was appointed on 16.8.1980 and subsequently the said post was converted to a higher post of Market Supervisor on which post the petitioner started working from 5.10.1982, nevertheless in view of the provision as contained in clause 4 of the ACP Rules, the petitioner would be



entitled for the benefits under the ACP scheme, 2003, if he is not given any financial progression under the scheme for the period 12/24 years commencing from the date he started working as a Market Supervisor which in the instant case is 5.10.1982.

12. It transpires from the reading of the order impugned that the respondents have calculated the service period of the petitioner from the date he started working as a Cashier on 16.8.1980 and have thus given the benefit only of the second ACP to the petitioner w.e.f. 2004.

13. In the opinion of the Court, the counting of the 12/24 years in case of the petitioner would commence from 5.10.1982 ie from the date he started to work as a Market Supervisor.

14. The petitioner is held entitled for grant of benefits of the first ACP under the ACP scheme from 9.8.1999 ie the date on which the scheme came into effect and grant of benefit of second ACP on completion of 24 years ie w.e.f. 5.10.2006.

15. The respondents shall recalculate the consequential benefits from the dates given herein above and pay the remaining amount to which the petitioner is found entitled after deducting the benefits of the second ACP granted to the petitioner w.e.f. 2004 within a period of three months



from the date of receipt/production of a copy of this order.

16. The writ application stands allowed.

(Partha Sarthy, J)

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