

(2005) 02 PAT CK 0054
In the Patna High Court
Case No : CWJC No. 7434 of 1999

Parmeshwar Prasad Singh	Vs	APPELLANT
The State of Bihar and Others		RESPONDENT

Date of Decision : 03-02-2005

Acts Referred:

Citation : (2005) 2 PLJR 59

Hon'ble Judges : V.N. Sinha, J

Bench : Single Bench

Advocate : Pramod Mishra and Vivek Kumar, for the Appellant; Satish Kumar Sinha for State, for the Respondent

Judgement

V.N. Sinha, J.—In spite of opportunity granted to the counsel for the State under orders dated 5.1.2005 to seek instruction on the point as to whether the petitioner was allowed any higher scale as a result of merger of Bihar Agriculture Service Class II into Bihar Agriculture Service Class I with effect from 1.1.1977, the counsel for the State has not been able to seek instruction and has sought further time. However, without adjourning the matter further, this Court is proceeding to dispose of the application after hearing counsel for the parties under the present order. Petitioner was appointed as Demonstrator in the Ranchi Agriculture College, Kanke in the year 1957 in the scale of Rs. 125-205. In 1968 he was promoted to the Bihar Agriculture Services in Class II in the scale of Rs. 290-650. He has been thereafter, promoted in the scale of Rs. 3000-4500 in the year 1995 with effect from 11.3.1992. His grievance is that the date of promotion be shifted back with effect from 11.3.1982 on which date he completed 25 years of service. For the aforesaid relief, petitioner had earlier filed C.W.J.C. No. 8562 of 1995, which was disposed of under orders dated 12.12.1995 with a direction to the authorities to consider the matter. It appears, the Agriculture Production Commissioner, Bihar considered the claim of the petitioner for shifting back his date of promotion from 11.3.1992 to 11.3.1982 and rejected the same under orders bearing Memo. No. 1217 dated 14.3.1997,

Annexure-9.

2. Petitioner has filed this writ application for quashing the aforesaid order dated 14.3.1997, Annexure-9 on the ground that in terms of the resolution of the State Government bearing No. 10770 dated 30.12.1981, Government Servants are entitled to two promotions, one after completing ten years of service and the other after completing 25 years of service and in terms of the said resolution, petitioner should have been allowed second promotion in the year 1982 as he was initially appointed in the year 1957 and got first promotion in the Bihar Agriculture Service in Class II in the year 1968. Grant of second promotion with effect from 1982 has been refused under orders dated 14.3.1997, Annexure-9 holding that as he was granted the benefit of merger of Bihar Agriculture Service Class II into Bihar Agriculture Service Class I with effect from 1.1.1977, as such, he is not entitled to grant of promotion after completing 25 years of service in the year 1982.

3. Learned Counsel for the petitioner has asserted that on account of merger of Bihar Agriculture Service Class II into Class I, higher scale, including financial benefit was not allowed to the petitioner and, as such, second time bound promotion in the light of the resolution of the State Government dated 30.12.1981 should have been given to him with effect from 11.3.1982 and not with effect from 11.3.1992. This aspect of the matter has not been considered in the order dated 14.3.1997.

4. As such, order dated 14.3.1997 Annexure-9 is quashed and matter is remitted back to the Agriculture Production Commissioner, Bihar to re-examine the grievance of the petitioner in regard to shifting back his date of promotion in the scale of Rs. 3000-4500 from 11.3.1992 to 11.3.1982 on the ground that he was not allowed any benefit of higher scale including financial benefit pursuant to merger of Bihar Agriculture Service Class II into Class I.

5. Let the petitioner file representation before the Agriculture Production Commissioner, Bihar, respondent No. 2 alongwith a copy of this order who should consider the same and pass a speaking order within three months of the receipt of the representation. This application is, accordingly, allowed and disposed of to the extent indicated above. No. cost.