

(2019) 10 PAT CK 0065

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 17483 Of 2019

Rajnish Thakur

APPELLANT

Vs

State Of Bihar Through Secretary And Ors

RESPONDENT

Date of Decision : 22-10-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 10 PAT CK 0065

Hon'ble Judges : Chakradhari Sharan Singh, J

Bench : Single Bench

Advocate : Sanjeev Kumar Singh, S.S.P. Yadav

Final Decision : Disposed Of

Judgement

The petitioner was engaged on work charged basis in Minor irrigation Division, Madhepura, on 01.12.1979 and subsequently he was absorbed on regular basis with effect from 20.11.1990. With a grievance that he was entitled for first time bound promotion after completion of 10 years of service and benefits of career progression under the scheme of the State Government, this writ application has been filed seeking following direction : -

"That the present writ application is being filed on behalf of the petitioner above named for issuance of a writ of mandamus commanding the respondent authorities to grant the petitioner the benefit of first and second Assured Career Promotion (hereinafter called A.C.P.) w.e.f. 01.12.01 and 01.12.11 respectively as well as the benefit of first time bound promotion w.e.f. 01.12.1989 and also for pay fixation in terms of seventh pay revision w.e.f. 01.01.2016 and the consequential monetary benefits, on due consideration of representation of the petitioner dated 02.04.2019 and 08.06.2019 and for any other writ/writs, order/orders which the petitioner may found to be entitled in the facts and circumstances of the case."

A counter affidavit has been filed on behalf of respondent State of Bihar, from

which it appears that the petitioner has been allowed first A.C.P. with effect from 20.11.2002, i.e. after completion of 12 years from the date of his absorption, and M.A.C.P. with effect from 20.11.2010. So far time bound promotion is concerned, the petitioner was not in regular service in 1989. It is the petitioner's case, however, that under the decision of the State Government, the period spent in work charged establishment is to be considered for grant of time bound promotion.

Responding to the Court's query on the point of delay of nearly three decades in approaching the Court for the said relief, learned counsel appearing on behalf of the petitioner has relied on a Division Bench decision of this Court, in case of Amrendra Kumar Singh vs. State of Bihar and Others, reported in 2008(4) PLJR 592, to contend that grant of time bound promotion being a matter of Government Policy, delay in approaching this Court cannot be a factor for rejection of the petitioner's claim.

I have carefully perused the said Division Bench decision in case of Amrendra Kumar Singh (supra). The said decision does not lay down law that this Court, exercising jurisdiction under Article 226 of the Constitution of India, is mandated to consider belated monetary claim of nearly 30 years. The grievance of the petitioner appears to have been redressed with grant of Assured Career Progression and M.A.C.P.

This writ application is accordingly disposed of with a direction to the State respondents to ensure that the petitioner is paid all his entitlements arising out of grant of A.C.P. and M.A.C.P. in terms of arrears of salary and arrears of pensionary benefits within a period of four months from the date of receipt/production of a copy of this order.