

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14408 of 2015

=====

Ramesh Singh Son of late Mahabir singh Resident of village- Kurthaul,
Gayatri Nagar, P.s Parsa, district Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Water Resources Department Government of Bihar, Patna.
3. The Joint secretary(Management) ,Water Resources Department , Government of Bihar, Patna.
4. The Under Secretary(management) ,Water Resources Department , Government of Bihar, Patna.
5. The In-charge officer, Finance (Personnel Claim Fixation Cell) Department , Flat No. 9, 10, Transit Hostel Near Income Tax office, Bir Chand Patel path Patna.
6. Under Secretary, Finance (Personnel Claim Fixation Cell) Department , Flat No. 9, 10, Transit Hostel Near Income Tax office, Bir Chand Patel path Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satish Chandra Jha-3

For the Respondent/s : Mr. S.K. Saraf, A.C. to G. P. No.18

=====

CORAM: HONOURABLE MR. JUSTICE RAMESH KUMAR DATTA
ORAL ORDER

2 10-09-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks a direction on the respondents,
specially respondent Nos. 5 and 6 to issue the pay-slip with regard
to granting the benefit of the 2nd Assured Career Progression
Scheme with effect from 8.2.2003 and to direct the respondents to
grant the benefit of 3rd Modified Assured Career Progression
Scheme to the petitioner with effect from 8.2.2009.

It is submitted by learned counsel for the petitioner



that while the matter of the petitioner was pending before the Under Secretary, Finance (Personal Claim Fixation Cell) Department, a query was raised by the Finance Department, Personal Claim Fixation Cell to the parent department of the petitioner, the Water Resources Department, stating that the petitioner was appointed as Junior Engineer and subsequently by notification dated 20.3.1987 he was appointed as Assistant Engineer with effect from 14.01.1982 and thus the grant of benefit of 2nd A.C.P. with effect from 8.2.2003 does not appear to be justified and sought the matter to be enquired into and submit a report accordingly.

A reference was also made to the non-availability of the records of departmental and professional examination. With regard to the same, the Water Resources Department replied vide letter dated 15.5.2015 stating that the posting of the Junior Engineer was converted in 1979 itself as Assistant Engineer and thus treating the date of appointment as 1979, the petitioner had been granted the first and second A.C.P. benefits from 9.8.1999 and 8.2.2003 with respect to which the consent of the Finance Department has also been obtained and it was, accordingly, requested to issue the pay-slip of the petitioner regarding 2nd A.C.P. with effect from 8.2.2003.

The grievance of the petitioner is that despite the same, the respondent authorities of the Finance (Personnel Claim Fixation Cell) Department are not acting in the matter.

In the aforesaid facts and circumstances, the writ application is disposed of with a direction to respondent Nos. 5 and 6 to dispose of the matter with regard to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order. The respondents shall also consider the claim of the petitioner for grant of 3rd Modified Assured Career Progression Scheme with effect from 08.02.2009 in accordance with law within a further period of two months.

(Ramesh Kumar Datta, J)

V.P.Sinha/-

U			
---	--	--	--