

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7618 of 2014

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Rabindra Nath Ojha, Son of Late Satya Narayan Ojha, Resident of Village -
Katgharawan, Post Office - Chousa, Police Station Buxar (Muffasil), District -
Buxar

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Old Secretariat, Patna
2. The Director General of Police, Old Secretariat, Patna
3. The Inspector General of Police, Darbhanga Zone, Darbhanga
4. The Deputy Inspector General of Police, Purnea Range, Purnea
5. The Superintendents of Police, Kishanganj
6. The Accountant, Police Office, Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Choubey
 Mr. Shailendra Kumar

For the Respondent/s : Mr. Harish Kumar, GP-32

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL JUDGMENT

Date: 23-01-2015

Heard the parties.

The petitioner has filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents to make payment of the benefits of Modified Assured Career Progression (3rd ACP) scheme to him from the due date. He has also prayed for some other incidental reliefs indicated in paragraph 1 of the writ petition.

A counter affidavit has been filed on behalf of the respondent no.5, wherein it has been stated that the service book of the petitioner was engaged for finalizing and granting retiral benefits to him. Therefore, the issue raised could not be considered earlier. However, it has further been stated that the service book of the petitioner has now been received from the office of the Accountant General, Patna on 03.06.2014 and the matter is under active consideration for grant of benefits of 3rd ACP scheme. So far T.A.

bills are concerned, though the claims have not been admitted, but this Court does not find that the claims have been specifically rejected by the authorities by any specific order.

In above view of the matter, the petitioner is granted liberty to file a comprehensive representation with all supporting documents before the respondent no.4, raising all the grievances, which have been raised in the present proceeding within a period of one month from today.

If such a representation is filed within the aforesaid period of one month with a certified copy of the present order, then the respondent no.4 shall be obliged to consider and take a final decision with respect to grievances/claims raised on behalf of the petitioner by a reasoned and speaking order at an early date preferably within a period of two months from the date of filing of such representation. If on consideration of the materials, the respondent no.4 or any other competent authority of the respondent State comes to a conclusion that the claims raised on behalf of the petitioner are admissible to him, then the consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay. The respondent no.4 while passing the final order shall take into consideration the averments made in the counter affidavit filed before this Court on behalf of the respondent no.5.

The writ petition stands finally disposed of with the observations and directions made above.

(Birendra Prasad Verma, J)

Arvind/-

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