

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7934 of 2014

With

Interlocutory Application No.840 of 2015

Banaras Prasad, Son of Late Baiju Prasad, Resident of Mohalla- Ram Krishna Nagar, Near Bhagat Singh Chowk, P.S.- Ram Krishna Nagar, District- Patna

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Building Construction Department, Govt. of Bihar, Patna
2. The Engineer-in-Chief-Cum-Special Secretary, Building Construction Department, Govt. of Bihar, Patna
3. The Chief Engineer, Building Construction Department, Govt. of Bihar, Patna
4. The Superintending Engineer, Construction Circle, Building Construction Department, Govt. of Bihar, Patna
5. The Superintending Engineer, National Highway Division, Building Construction Department, Govt. of Bihar, Biharsharif
6. The Superintending Engineer, South Bihar Circle, Building Construction Department, Patna
7. The Executive Engineer, Construction Division No. 1, Building Construction Department, Govt. of Bihar, Patna
8. The Executive Engineer, Construction Division No. 2, Building Construction Department, Govt. of Bihar, Patna
9. The Accountant General, Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Verma
For the Respondent nos.1to8: Mr. Ajay Kumar Singh, AC to SC-2
Fro the Respondent no.9 : Mr.Prabhat Ranjan

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 30-01-2015

Originally, the petitioner had filed the present writ petition under Article 226 of the Constitution of India seeking a direction to the respondents, particularly the respondent no.4, to grant him benefits of scheme of 3rd ACP. An alternative prayer was also made that the representation filed on his behalf for redressal of his valid grievances may be directed to be disposed of in accordance with law.

Now Interlocutory Application No.840 of 2015 has been



filed on behalf of the petitioner seeking amendment in the writ petition. It has been stated in the aforesaid Interlocutory Application that the matter for grant of 3rd ACP to the petitioner was considered by the Screening Committee headed by the respondent no.4 in its meeting dated 16.03.2012 and the claim of the petitioner was rejected, but the petitioner had absolutely no knowledge/information about the said order/resolution. According to the learned counsel, the petitioner came to know about the aforesaid resolution dated 16.3.2012 during the pendency of the present writ petition. Therefore, he seeks leave of this Court to challenge the validity and correctness of the impugned resolution of the Screening Committee, which has been brought on record as Annexure-7 to the aforesaid Interlocutory Application.

In the factual matrix of the case, the prayer for amendment is allowed and the matter has been heard on merit.

Learned counsel appearing on behalf of the petitioner submits that so far the claim of the petitioner for grant of benefits of 3rd ACP is concerned, that was considered by the aforesaid Screening Committee, but has been rejected by a cryptic and non-speaking order. It is further pointed out that, though a counter affidavit has been filed on behalf of the respondent no.4, but there also reasons have not been disclosed for rejection of his claim and it has only been asserted that the claim of the petitioner was rejected in the meeting dated 16.03.2012.

After having heard the parties, this Court is of the opinion that the matter requires re-consideration and a fresh decision, as the impugned resolution dated 16.03.2012 (Annexure-7 to the Interlocutory Application), so far it relates to the petitioner, does not disclose the reasons for rejection of the claim of the petitioner.

In the aforesaid factual matrix, the present matter is

remitted back to the respondent no.4 for consideration of the claim of the petitioner afresh by a reasoned and speaking order. The petitioner shall be at liberty to file a fresh comprehensive representation with all supporting documents before the respondent no.4. The respondent no.4 or any other competent authority of the respondent State shall consider the claim of the petitioner afresh by a reasoned and speaking order without being prejudiced or influenced by the previous resolution dated 16.03.2012 (Annexure-7 to the Interlocutory Application).

It goes without saying that, if on consideration of the materials the competent authority comes to a conclusion that the claims raised on behalf of the petitioner is admissible to him, then the consequential order shall also be issued for grant of such admissible claims without any unnecessary further delay.

The writ petition stands finally disposed of with the observations and directions made above. The I.A. No.840 of 2015 is, accordingly, disposed of .

(Birendra Prasad Verma, J)

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