

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5236 of 2008

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(A) Manju Ambastha , wife of Late Rai Bahadur Ambasth
(B) Nihar nandan Ambasth, son of Late Rai Bahadur Ambasth
Both residents of Mohalla - Gayatri Nagar (East), Adarsh Bihar Colony,
rukanpura, P.S. – Rupaspur, District - Patna
(C) Babli Kumari, wife of Dr. Manoranjan Prasad
Resident of Mohalla New Sipahi Tola, Maranga Road, P.S. Kajanchi Hat
(K. Hat), District - Purnea (daughter)
(D) Soni Kumari, wife of Sri Mritunjay Sinha
Resident of mohalla Bagha, P.s. begusarai, District Begusarai
(E) Jyoti Kumari wife of Sri Raman Kumar
r/o village Hisua, P.S. Hisua, District nawada

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner - cum – Secretary,
Finance Department, Government of Bihar, at Patna
 2. The Finance Commissioner –cum-Secretary / government of Bihar,
New Secretariat, Bailey Road, Patna
 3. The Secretary, Department of personnel and Administrative Reforms
State of Bihar, Patna
 4. the Bihar State Agricultural Marketing Board (dissolve) through its
Three men's Department Committee Pant Bhawan, patna
 5. the Three Men's Departmental Committee, Pant Bhawan, Patna of
the Bihar State Agricultural Marketing Board (Dissolve), Patna
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Praveen Kumar

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

12 11-03-2015 Heard Sri Praveen Kumar, learned counsel for the
petitioners and Sri Awnindra Kumar Jha, learned AC to AAG
No. 13.

The present writ petition was filed initially by a retired
employee namely Rai Bahadur Ambasta an employee of Bihar



State Agricultural Marketing Board (hereinafter referred to as “Board”) with a prayer to direct the respondents to give benefit of A.C.P. with effect from 9.8.1999. The petitioner retired on 31.12.2003. During the pendency of the writ petition the sole petitioner died and thereafter he was substituted by his wife vide order dated 8.7.2013. A plea has been taken that of- course the petitioner retired in the year 2003 however, subsequently, the State Government came out with a Rule namely Assured Career Progression Scheme, Rules, 2003 which was to be given effect from 9.8.1999. Though the petitioner had retired in the year 2003, in view of the provisions of the scheme of A.C.P. the petitioner represented before the Managing Director / Secretary of the Board for granting him the benefit of A.C.P. with effect from 9.8.1999 and since no decision was taken the petitioner was constrained to file the present writ petition.

In this case a counter affidavit has been filed on behalf of respondent / State and it has been pleaded that the Marketing Board itself was abolished in the year 2006 and subsequently the proposal sent by the Board for according benefit of A.C.P. to its employees was also rejected in the year 2007. It has been clarified that benefit of A.C.P. was not extended to the employees of the Board and as such, the learned State Counsel has prayed for

rejecting the writ petition.

At the time of hearing of the present writ petition the learned counsel for the petitioner has produced a copy of order dated 13.5.2014 passed in CWJC No.9798 of 2008 with number of other analogous cases. It was submitted by learned counsel for the petitioner that all the points which have been raised in the counter affidavit and objection which has been raised by learned counsel for the State was considered by this court in aforesaid writ petitions in detail and by a reasoned order the writ petitions were allowed. It was submitted that the case of the petitioner stands on similar footing.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. The stand taken in the counter affidavit was already dealt with in detail by a bench of this court in CWJC No. 9798 of 2008. Since the issue involved in the present writ petition has already been adjudicated by a bench of this court, there is no reason to pass any different order in the present writ petition. Accordingly, the writ petition stands allowed in terms of the order dated 13.5.2014 passed in CWJC No. 9798 of 2008 and other analogous cases with a direction to respondents to take all steps to grant consequential benefit to the petitioner.

The writ petition stands allowed.

(Rakesh Kumar, J)

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