

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11923 of 2007

Md.Ainul Haque Ansari, son of Late Abdul Hafiz, resident of village-Mozakka, Police Station-Bikram, district-Patna, at present residing at Qr. No.207, Rajbanshi Nagar, Road, No.5, Police Station-Shastrinagar, District-Patna

.... Petitioner

Versus

1. The State of Bihar
2. The Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Old Secretariat, Patna
3. The Deputy Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Old Secretariat, Patna
4. The Under Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Old Secretariat, Patna

.... Respondents

Appearance :

For the Petitioner/s : Mr. SANJEEV KUMAR MISHRA

Mr. Md.Faiyaz Khan

For the Respondent/s : Mr. AC to GA-1

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 19-02-2015

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Heard Sri Sanjeev Kumar Mishra, learned counsel for the petitioner and learned AC to GA-1.

The sole petitioner, invoking writ jurisdiction of this Court under Article-226 of the Constitution of India, has prayed for directing the Respondents to grant benefits of two A.C.Ps. with effect from 17.01.1974 i.e. the date of initial appointment of the petitioner on the post of Steno-cum-Typist. It has further been prayed to modify the order contained in Memo No.250 dated 19.10.2004, whereby the benefits of A.C.P. was granted to the petitioner with



effect from 09.08.1999 without counting the services of the petitioner with effect from 17.01.1974. The petitioner has also made a prayer for quashing of a letter dated 25.07.2007 issued under the signature of Respondent/ Deputy Secretary, Personnel and Administrative Reforms Department. By the said communication, the representation filed by the petitioner was rejected. The said letter has been brought on record as Annexure-5 to the writ petition. It has been pleaded that the petitioner was initially appointed as Steno-cum-Typist on 17.01.1974 in the Department of Finance (Commercial Taxes) and he joined on 19.01.1974. The service of the petitioner was extended from time to time and it was confirmed on 17.01.1979.

The case of the petitioner is that subsequently, on the basis of recommendation made by Bihar Public Service Commission, the petitioner was appointed as Personal Assistant in the Department of Personnel and Administrative Reforms. Though as per the petitioner, he was entitled to get two A.C.Ps counting his services from his initial date of appointment as Steno-cum- Typist since 17.01.1974, incorrectly, the petitioner has not been given the benefits of his services rendered as Steno-cum-Typist.

Learned counsel for the petitioner has taken the Court to Annexure-3 i.e. office order issued by the Personnel and Administrative Reforms Department, Govt. of Bihar, contained in



Memo No.250 dated 19.10.2004, whereby the petitioner along with 277 persons were appointed as Personal Assistant. It has specifically been pleaded that number of persons, who were appointed as Personal Assistant, have been given benefits of their services rendered as Steno-cum-Typist, but the petitioner has been discriminated. In paragraphs- 17 and 19 of the writ petition, specific statement has been made to corroborate that number of similarly situated persons have been given the same benefits.

Of course, in this case, a counter affidavit has been filed on behalf of Respondent nos. 2, 3 and 4, the statement made in paragraph nos.17 and 19 of the writ petition has not been controverted. Learned AC to GA-1 placing reliance on the rules in respect of ACP submits that in granting such benefit, only the period from fresh appointment is to be counted. Meaning thereby that earlier services, if rendered, may not be counted for the purposes of granting A.C.P. In the counter affidavit, the State has brought on record a copy of an order dated 01.07.2011 passed in C.W.J.C.No.13290 of 2007. By the said order, a Bench of this Court has given specific direction to consider the services rendered by the petitioners of the said case as Steno-cum- Typist. In the said writ petition also, similarly representations were rejected, which was set aside by a Bench of this Court. In the counter affidavit, in paragraph-18, the Respondent State

has accepted that the case of the petitioner stands on similar footing. In the counter affidavit, Respondent State accepts that in compliance with the order dated 01.07.2011 passed in C.W.J.C.No.13290 of 2007, petitioners of the said case have been granted benefits of their services rendered as Steno-cum-Typist.

In view of stand taken in the counter affidavit as well as order dated 01.07.2011 passed in C.W.J.C.No.13290 of 2007, the Court is of the opinion that the petitioner deserves the same relief. Accordingly, the writ petition stands disposed of in terms of order dated 01.07.2011 passed in C.W.J.C.No.13290 of 2007 with a direction to the competent authority to consider the case of the petitioner counting his services rendered as Steno-cum-Typist prior to joining the post of Personal Assistant. All formalities must be completed within a period of two months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Rakesh Kumar, J)

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