

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.584 of 2014

1. Birendra Nath Tiwari Son Of Late Bidya Tiwari Resident Of Village- Parsurampur, P.O.- Parsurampur, P.S.- Pipra, District- East Champaran

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, General And Administrative Department, Govt. Of Bihar, Patna
3. Principal Secretary, Finance Department, Govt. Of Bihar, Patna
4. Joint Secretary, Finance Department, Govt. Of Bihar, Patna
5. District Magistrate, Motihari, East Champaran
6. Secretary, Bihar State Food And Civil Supplies Corporation Limited, Sone Bhawan, 5th Floor, Birchand Patel Path, Patna
7. Managing Director, Bihar State Food And Civil Supplies Corporation Ltd. 5th Floor, Birchand Patel Path, Patna- 800001
8. The Secretary, Food And Consumer Protection Bihar, Patna
9. District Manager, Bihar State Food And Civil Supplies Corporation Limited, Siwan
10. The President Cum Chairman, District Consumer Forum, Motihari, East Champaran
11. The Accountant General, Bihar, Patna

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 27-03-2015

Heard learned counsel for the parties.

Till there is a declaration either by the State or by a Court of law that the previous service rendered by the petitioner under Bihar State Food Civil Supplies Corporation is going to be treated as part of service under the State, the decision rendered by the Collector, East Champaran, Motihari that the benefit of A.C.P. to the petitioner will be available only from 08.04.1997,

cannot be said to be irrational or in conflict with the provisions of the A.C.P. Rules, 2006.

In view of the above, no interference is warranted with the decision, because the benefit of A.C.P. can only be extended to a government servant and for the period of service as a government servant.

Counsel for the petitioner submits that there are many a similarly situated persons, where their past service under corporation, has been hold to be part of government service. It may be so, then there has to be declaration either by the State or by a Court of law, which is not there in favour of the petitioner so far.

In view of the aforesaid facts and circumstances, writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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