

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.600 of 2014

Arising out of

Civil Writ Jurisdiction Case No. 9679 of 2013

Ram Padarath Singh S/O Late Molo Singh Resident of Village- Chhema, PO.-
Bilaw, P.S.- Shekhpura, Dist.- Sekhpura

.... Appellant/s

Versus

1. The State of Bihar through The Secretary, Department of Home, Govt. of Bihar, Patna
2. The Director General of Police, Bihar, Patna
3. The Inspector General of Police, Bihar, Patna
4. The Senior Superintendent of Police, Patna
5. The Senior Superintendent of Police, Bhojpur, Ara
6. The Accountant General, Bihar, Patna
7. The Treasury officer, Patna

.... Respondent/s

Appearance :

For the Appellant : Mr. Kundan Bahadur Singh with
Mr. Amarendra Nath Tiwary, Advocates

For the State : Mr. Anil Kumar Singh, G.P. 26
Mr. Ranjeet Kumar, A.C. to G.P. 26

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 09-09-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 24th February, 2014 whereby the writ petition filed by the appellant challenging the order dated 18.12.2011 was partly allowed inasmuch as the recovery of Rs. 3,85,429/- was set aside *inter alia* for the reason that such recovery is causing hardship to the appellant after his superannuation.

The sole grievance of the appellant in the present Letters Patent Appeal is that he has not been granted the benefit of ACP scale. Admittedly, the appellant joined as Constable on 29.05.1965 and retired as Sub Inspector of Police on 31.12.2002. He was also put under suspension on 18.01.1999 which suspension was revoked on 21.05.1999 and again suspended on 28.11.2002 and superannuated on 31.12.2002. It has been found that the appellant was promoted as Assistant Sub Inspector of Police on 01.08.1975 and then Sub Inspector of Police on 13.05.1983. Since the appellant has been earned two promotions, therefore, the he is not entitled to the benefit of ACP scale which is granted to avoid stagnation in the cadre.

In view thereof, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

Accordingly, the Letters Patent Appeal stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
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