

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8629 of 2013

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Girja Kumar Singh Son Of Late Lakhan Singh Resident Of Mohalla- Rampur,
P.S.- Bahadurpur, Town And District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Health,
Govt. Of Bihar, Patna
2. Principal Secretary, Department Of Finance, Govt. Of Bihar, Patna
3. Director In Chief, Health Services, Bihar, Patna
4. Civil Surgeon Cum Chief Medical Officer, Patna
5. In-charge Medical Officer, Sadar Block, Patna
6. District Treasure Officer, Patna
7. Accountant General, Bihar, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Banwari Sharma, Adv.

Mr. Shiv Kumar, Adv.

Mr. Sanjanand Sharma, Adv.

For the Respondent/s : Mr. Harishankar Roy, AC to PAAG

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 23-06-2016

Heard learned counsel for the petitioner and counsel for
the State.

In this case, the petitioner is claiming first, second and
third A.C.P., has submitted, he has been deprived of his legal right.

The petitioner has already superannuated from service on
31.1.2009 while discharging the duty of Clerk in the Civil Surgeon
Office, Patna. Admittedly, the petitioner had entered into service in
the Health Department, was discharging the duty in the office of the
Civil Surgeon, was not given regular promotion during his service



period, superannuated from the service on the same post. Learned counsel for the petitioner has submitted he has more than 30 years of service to his credit but, has not been granted any of the ACP whereas he has passed the Hindi Noting and Drafting Examination in the year 1972 itself. and cleared the first and second paper of accounts examination on 15.2.1982 but, learned counsel for the State has pointed out that he has passed the accounts examination of primary level, has not cleared the final accounts examination and, on that count, the petitioner has not been conferred the benefit of ACP. Rule 4(v) of the 2003 Rules provides, whatever condition attached for regular promotion will equally be applicable in granting benefit of ACP but, for the person who has already attained the age of fifty years, the Government has issued a circular making provisions of granting exemption in the appropriate cases. The petitioner has already superannuated in the year 2009. He has passed the Hindi Noting and Drafting Examination as well as Accounts Examination of primary level. In view of the Circular of the State Government, the petitioner is given liberty to file an application for granting exemption and the authority will consider the case in accordance with law taking into consideration that in 2010 Scheme, no stipulation has been mentioned like a condition which has been attached to 2003 ACP Rule and the authority shall pass a reasoned order within a period of

three months from the date of filing of the representation by the petitioner.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.6.2016
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