

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12026 of 2013

=====

Ganesh Yadav Aged About 55 Years, S/O Late Bal Govind Yadav R/O Village
Lodipur, P.S. Khizersarai, District Gaya Posted At Khizersarai Police Station Distt.
Gaya

.... Petitioner/s

Versus

1. The State of Bihar through Circle Officer, Khizersarai P.S. Khizersarai, Distt.
Gaya Bihar
2. The District Magistrate, Gaya Bihar
3. The Commissioner, Gaya Magadh Pramandal, Gaya

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dharendra Singh, Adv.

For the Respondent/s : Mr. Prabhakar Jha, GP-27

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-10-2016

Heard learned counsel for the parties.

In the present case, the petitioner has claimed benefit of A.C.P.
on the basis of 2003 A.C.P. Scheme.

As per counter affidavit, the petitioner has been working as a
Chawkidar since 1.1.1990 and got absorbed and regularized in the
Government service, will be treated to have been serving from the year
1990. In terms of 2003 A.C.P. Scheme, the person is entitled to the 1st
A.C.P. after completion of 12 years of service and will be entitled for 2nd
A.C.P. after completion of 25 years of service. The Government has come
forward with a M.A.C.P. Scheme which makes an employee entitled to 1st
A.C.P., 2nd A.C.P. and 3rd A.C.P. after completion of 10, 20 and 30 years of
service respectively.

In the counter affidavit, a stand has been taken that the case of
the petitioner is under consideration and will be decided very shortly.

Admittedly the petitioner is working since 1.1.1990. He has already completed 12 years of service in the year 2002. From the own showing of the counter affidavit, the petitioner cannot be denied the benefit of A.C.P. However, the State is directed to take a decision expeditiously preferably within a period of two months from today.

It is made clear that if the State would come to a conclusion that the petitioner is entitled for the benefit of A.C.P., the same should be given to him. It is also made clear that if the State would fail to take a decision as with regard to benefit of A.C.P. to the petitioner, the petitioner will be a liberty to file an application for reopening of the case and this Court shall initiate contempt proceeding for non-compliance of the order of this Court.

For convenience, the petitioner is directed to file a fresh representation along with a copy of this order and the period of two months will be counted 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	19.10.2016
Transmission Date	