

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13712 of 2013

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1. Subodh Prasad Singh Son Of Late Muni Prasad Singh Resident Of Village-
Sondiha, P.O. + P.S.- Tarapur, District- Munger

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Irrigation Department,
Government Of Bihar, Patna
2. The Principal Secretary, Irrigation Department, Government Of Bihar, Patna
3. The Chief Engineer, Water Resources Department, Patna
4. The Superintending Engineer, Water Resources Department, Bihar Sharif
5. The Executive Engineer, Water Resources (Irrigation) Division Bihar Sharif

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Ranjan Jha, Advocate.
For the State : Mr. S.S.P. Yasdav, SC-14

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 02-12-2016

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

Earlier this Court has directed the State to file counter
affidavit but till date no counter affidavit has been filed by the
State.

Learned counsel for the State has submitted that though
he has written letter to the concerned authority but he has not
received any instruction.

Having no way out but to dispose of the matter on the
basis of the material available on record.

In the present writ petition, petitioner is claiming for grant



of benefit of Assured Career Progression (ACP) with effect from 9.8.1999. Claim has been made that other similarly situated persons in the identical situation have been granted the said benefit.

It appears that petitioner has joined the service on 24.1.1972 as Seasonal Moharrir in the office of the Revenue Division, Water Resources Department, Tarpur, Munger. He discharged the duty to the satisfaction of all concerned and superannuated from service on 31.7.2009 as Moharrir from the office of Irrigation Division, Bihar Sharif and after retirement petitioner has received all retiral benefits and promotional benefits including ACP but from 22.7.2009 after granting exemption of passing the accounts examination. Claim has been made that instead of granting ACP from 22.7.2009 it should have been given from 9.8.1999 and has claimed that others have been given such benefit i.e. from the date of enforcement of ACP.

In such view of the matter, the Chief Engineer, Water Resources Department, Patna is directed to consider the case of the petitioner and if it is found that such benefits have been given to others the same should be extended to him.

For convenience, petitioner is directed to file a detailed



representation before the Chief Engineer, Water Resources Department, Patna who will consider the case of the petitioner and pass a reasoned order within a period of three months from the date of filing of the representation.

With the aforesaid observation and direction this writ petition is disposed of.

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	9.12.2016
Transmission Date	NA

(Shivaji Pandey, J)

