

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 7994 of 2014

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1. Keshaw Prasad Singh son of Late Makeswar Prasad Singh at +po Narpatganj, Dist - Araria
 2. Bhupendra Narayan Mallick son of Late Pratap Narayan Mallick Fauzi Colony P.O. Farbesganj, Dist - Araria
 3. Bijay Kumar Lal Das son of Late Bishnu Kant Lal Das Vill + P.O. - Narpatganj, Dist - Araria.
 4. Md. Kamrul Hoda son of Late Tajedin Ahmad Vill + P.O. Packtola P.S. + Dist - Araria

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna.
2. The Divisional Commissioner, Purnea.
3. The District Officer, Araria.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Mishra Mr. Arun Kumar Mandal Mr. Pramod Kumar Bhartiya
For the Respondent/s	:	Mr. Lokesh Kumar Singh Mrs. Sunita Kumari AC to A.A.G.-13

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL JUDGMENT
Date: 16-09-2016

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

The petitioners are seeking a direction
upon the respondents to treat them in service from the
date they were engaged as Amin for grant of benefit of
A.C.P. and not from the date they were assimilated or
appointed on the post of Revenue Karamchari and allow
the benefits, accordingly.

The demand of these petitioners has been negated, both by the District Magistrate as well as the Divisional Commissioner, before whom Service Appeal No. 21 of 2013 was filed.

From reading of the two impugned orders, it emerges that the claim of these petitioners were considered and certain guidelines was also sought from the Department of Finance, Government of Bihar, Patna.

The respondents, in their counter affidavit, have annexed two notifications, which are dated 17.01.2012 and 09.09.2008, i.e., Annexure-F and G, respectively.

A reading of the two communications would indicate the status of these petitioners as to why their appointment on the post of Revenue Karamchari is going to be the starting point for the purposes of calculation of benefit of A.C.P., which has been done and granted to the petitioners.

So long as Annexure-F and G remains, which seems to be in conformity with the Rule 4 (i) of the A.C.P. Rules, 2003, the petitioners cannot beget the benefit, which they are looking for.

In view of the above, impugned orders,



contained in Annexure-2 and 2/A do not suffer from any irrationality.

Writ application has no merit, it is dismissed.

(Ajay Kumar Tripathi, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	17.09.2016
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