

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16264 of 2013

=====

Bijay Kumar Singh Son of Ram Keshwar Singh resident of village and P.O. Aanti,
P.S. Konch, District-Gaya, at present working as Excise Constable C/o
Superintendent of Excise, Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Bihar, Patna
2. The Secretary, Department of Registration, Excise and Prohibition, Bihar, Patna
3. The Commissioner, Department of Registration, Excise and Prohibition, Bihar,
Patna
4. The Superintendent of Excise, Muzaffarpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary and
Shambhu Nath Jha, Advs.

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

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-06-2016

The petitioner is working member of the Excise
Department claiming that he has been deprived of 1st and 2nd A.C.Ps.
though he has completed 36 years of service, is also entitled to 3rd
A.C.P. in terms of M.A.C.P. Rule 2010.

The petitioner was appointed as Excise Constable on
26.04.1980, he passed police training on 15.09.1982 and thereafter,
his services was confirmed with effect from 17.12.1987. While
discharging the duty he was granted 1st Time Bound Promotion with
effect from 26.04.1990.

After withdrawal of the Time Bound Promotion, the

Government of Bihar has brought a Rule in the name and style of A.C.P. Rule 2003 made it effective w.e.f. 09.08.1999 and the persons who have completed 12 years and 24 years of service have been made entitlement to the 1st and 2nd A.C.Ps., subject to fulfilling the condition referred in the 2003 A.C.P. Scheme.

As per the claim of the petitioner, some juniors have been given the benefit of 1st and 2nd A.C.Ps., but he has wrongly been deprived of the same.

A counter affidavit has been filed by the State where it has been mentioned that the petitioner has been granted the 1st A.C.P., vide Memo no. 185 dated 23.02.2012, w.e.f. 09.08.1999, his name is standing at serial no. 70, further stated that his case has been sent vide letter dated 02.01.2015 to the Screening Committee for approval of granting the 2nd A.C.P..

In such view of the matter, it appears that the petitioner has been granted the 1st A.C.P. from the date he is entitled to so much so has also been granted the monetary benefit, has been mentioned in paragraph 7 of the counter affidavit.

So far the 2nd A.C.P. is concerned, as per the statement, his case has been referred to the Screening Committee about one and half year back, but still the matter is under consideration before the Screening Committee.

In such view of the matter, this Court directs the respondent-authority to grant the 2nd A.C.P. to the petitioner within a period of three months from the date of receipt/production of a copy of this order, subject to the fulfilling qualification as has been referred in the 2003 Scheme. The petitioner is entitled to the same benefit as has been given to his juniors who have already been granted the benefit. If any adverse order is passed, the petitioner will be at liberty to take a legal action as available in law. While granting the benefit, the respondent-authority will consider about the entitlement of interest and the benefit of 3rd A.C.P.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	29.6.16
Transmission Date	