

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19690 of 2015

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1. Sheo Chandra Singh, S/o Late Sahdeo Singh, Resident of
Village- Wazidpur (Gokulpur), P.S- Vidyupur, District- Vaishali.

.... Petitioner

Versus

1. The State of Bihar.
2. Secretary, Excise Department, Bihar, Patna.
3. Superintendent, Excise Department, Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Adv.
Mr. Vinod Pandey, Adv.

For the Respondents : Mr. Vikash Kumar, AC to PAAG

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL JUDGMENT

Date: 05-01-2016

Heard learned counsel, appearing on behalf of the
petitioner, and learned AC to learned PAAG, appearing on
behalf of the respondents-State of Bihar.

2. The petitioner retired as Constable from Excise
Department, Government of Bihar, with effect from
28.02.2013. He has a grievance that he had joined the
service in the year 1972 and till the date of his retirement, he
was not given any benefit of Assured Career Progression,

which he was entitled to, in terms of the State Government decision. Apart from grant of first, second and third A.C.Ps., he has also claimed that certain payments for the period during which he was placed under suspension, in the year 1997, have remained unpaid. He has also claimed that he was not paid salary for the period 13.01.2001 to 31.10.2001, when he was on medical leave.

3. The grievance of the petitioner for payment of arrears, referable to the period 01.09.1997 to 31.01.1998 and 13.01.2001 to 31.10.2001, cannot be entertained in the present writ application, such claims being stale and belated ones.

4. However, as regards the petitioner's claim for grant of A.C.Ps., I direct the Superintendent, Excise Department, Gopalganj, to consider the petitioner's claim in accordance with the State Government decision. The Superintendent, Excise Department, will be required to take a final decision over the petitioner's claim for grant of A.C.Ps. within a period of three months from the date of receipt/production of a copy of this judgment. If it is found that the petitioner was entitled to grant of such A.C.Ps., which could not be given to him for any reason, the Superintendent, Excise Department, shall pass orders accordingly and ensure payment of consequential benefits to the petitioner, in terms

of arrears of salary and revision of pension etc. If, however, the petitioner's claim for grant of A.C.Ps. does not find favour with the Superintendent, Excise Department, he will have to pass an order, assigning reasons as to why the petitioner is not entitled for such benefits. The decision must be taken in this regard within a period of three months from the date of receipt/production of a copy of this judgment.

5. Certain grievance has also been made in the writ application, as regards non-payment of Provident Fund amount. The Superintendent, Excise Department, shall look into the matter and take all possible steps for payment of remaining Provident Fund amount, if not paid to the petitioner, so far.

6. This application stands disposed of accordingly.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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