

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19759 of 2015

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1. Bishwanath Baitha, Son of late Bagar Baitha, Resident of Village-Jagatia Tola, Pakridayal, P.S-Pakridayal, District-East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Director, Primary Education, Bihar, Patna.
3. Regional Deputy Director, Muzaffapur.
4. District Education Officer, Motihari, East Champaran.
5. District Education Superintendent, Motihari, East Champaran.
6. District Programme Officer, Motihari, East Champaran.
7. Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sunil Kumar (No.3), Adv.
Mr. Rajesh Kumar, Adv.

For the State : Mr. Syed Arshad Alam, SC-3
Mr. Mahtab Alam, AC to SC-3

For the Respondent No.7 : Mr. Kumar Priya Ranjan, Adv.

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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, learned counsel, appearing on behalf of the respondents-State of Bihar, and learned counsel

representing the respondent No.7.

2. Two grievances have been raised in the present writ application by the petitioner, who is said to have retired as Head Assistant, with effect from 31.01.2011, from the Office of Sub-Divisional Education Officer, Motihari Sadar, East Champaran. First grievance of the petitioner is that he has not been paid salary for the period of strike, i.e., 07.01.2009 to 09.02.2009. Secondly, he has sought for a direction to consider his case for third A.C.P., which he was entitled to.

3. So far as the first grievance of the petitioner is concerned, it cannot be entertained for two reasons. Firstly, the claim is belated one and, secondly, an employee cannot claim payment of salary for the period during which he had admittedly not worked. However, so far grievance of non-consideration of grant of Assured Career Progression is concerned; this application is disposed of with a direction to the District Programme Officer, Motihari, East Champaran (respondent No.6) to take a final decision in this regard within a period of two months from the date of receipt/production of a copy of this judgment/order. If he is found entitled to grant of third A.C.P., the respondents shall ensure that consequential benefits are given to the petitioner within a

period of three months thereafter.

4. This disposes of this application.

(Chakradhari Sharan Singh, J.)

