

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9179 of 2011

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Mohitanand Prasad S/O Late Munshi Jamuna Prasad R/O Mohalla- Weaker
Section, No.- 13151, Kankarbagh Housing Board Colony, P.S.-
Kankarbagh, Distt.- Patna Petitioner

Versus

1. The Union of India through the Regional Provident Fund Commissioner,
Directorate of Provident Fund, Bihar, Patna
2. The Bihar Rajya Pool Nirman Ngam Ltd. through Managing Director
3. The Managing Director, Bihar Rajya Pool Nirmal Nigam Ltd. Bihar,
Patna
4. The Senior Project Engineer, Bihar Rajya Pool Nirman Nigam Ltd., Gaya
Division, Gaya Respondents

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar Sinha, Adv.
For the Respondent/s : Mr. Pankaj Kumar, Adv.
Mr. Gautam Saha, Adv.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

8 25-02-2016 Heard Sri Pravin Kumar Sinha, learned counsel for the

petitioner, Sri Pankaj Kumar, learned counsel, who has appeared
on behalf of Respondent no.1/the Regional Provident Fund
Commissioner and Sri Gautam Saha, learned counsel for the
remaining Respondents/ Bihar Rajya Pool Nirman Nigam Ltd..

The petitioner, who superannuated with effect from
31.01.2002, has approached this Court , invoking its writ
jurisdiction for the following relief:

- (i) The petitioner prays for direction to the respondent
authorities to grant First Time Bound Promotion
with effect from completion of required term.
- (ii) The petitioner further prays for a direction to grant of
A.C.P. as other persons have already been granted
the said benefit.

(iii) The petitioner also prays for a direction to the respondents authorities to grant the benefit of the revised scale with effect from 01.04.1997 in view of A.C.P.

(iv) The petitioner further prays for grant the consequential benefits and also to revise his pension after due calculation after aforesaid relief.

However, at the very outset, learned counsel for the petitioner submits that he is not pressing the relief no.1 i.e. the grant of 1st Time Bound Promotion since at the very outset an objection was raised by Mr. Saha, learned counsel for the Respondent nos. 2 to 4 that the claim being stale may not be entertained.

The petitioner has claimed that vide Annexure-2 to the writ petition, the Managing Director of the Bihar Rajya Pool Nirman Nigam Ltd. had accepted to grant benefit under the A.C.P. Scheme to its employees and vide Annexure-3, such benefit was granted to number of employees , which was made applicable with effect from 09.08.1999. It has been argued that in view of fact that the benefit of A.C.P. Scheme has been granted to all the employees of the Respondent, the petitioner, who fulfils the conditions under the Scheme, is also entitled to get the same benefit under the Scheme.

In this case, a counter affidavit has been filed on behalf

of Respondent nos.2 to 4. However, save and except raising technical objection, the fact disclosed in the writ petition has not been disputed. At the time of argument, Sri Saha, learned counsel for Respondent nos. 2 to 4 has objected that since the petitioner retired in the year 2002, the writ petition filed in the year 2011 may not be entertained and the same may be rejected on the ground of delay itself.

Besides hearing learned counsel for the parties, I have also perused the materials available on record. The Court is of the opinion that once the scheme of ACP has been adopted by the Respondent nos. 2 to 4, certainly the petitioner is entitled to get all the benefit.

Accordingly, the writ petition stands allowed with a direction to the Respondents, particularly the Respondent no.3 to examine the claim of the petitioner and pass appropriate order in accordance with law and grant all consequential benefits. All the formalities must be completed within three months from the date of receipt /production of a copy of this order.

The writ petition stands allowed.

(Rakesh Kumar, J)

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