

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2246 of 2011

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Kesho Prasad son of Late Dr. Dwarika Prasad Barnwal Resident Of House No. 5, Ground Floor C/O Siya Ram Prasad, North Srikrishnapuri, Rajendra Path, Boring Road, Police Station Srikrishnapuri, District Patna.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
2. The Finance Commissioner, Finance Department, Old Secretariat, Police Station Sachivalaya, District Patna.
3. The Joint Secretary, Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.
4. The Accountant General (Accounts And Entitlement) Bihar, Patna, Virchand Patel Path, Patna.
5. The Deputy Secretary (Management Cell), Road Construction Department, Vishwesharaiya Bhawan, Bailey Road, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

6 08-01-2016 Heard Sri Rupak Kumar, learned counsel for the petitioner and learned AC to GP No. 21.

The petitioner invoking writ jurisdiction of this court under Article 226 of the Constitution of India has prayed for directing the respondents to consider and grant benefit of 2nd A.C.P. to the petitioner from 9.8.1999. Of- course no order has been brought on record showing refusal of the prayer for grant of A.C.P., the petitioner by filing interlocutory application has brought on record a communication dated 8.6.2011 issued under

the Right to Information Act with a list to show that the petitioner has been denied 2nd A.C.P. with effect from 9.8.1999 on the plea of pendency of departmental proceeding. He reiterates that no departmental proceeding has been initiated till date and as such, on anonymous ground, the petitioner may not be denied the same relief.

In the counter affidavit filed on behalf the respondent/ State which was filed in the year 2012 itself, it was also admitted that no departmental proceeding was initiated against the petitioner. A specific stand has been taken in paragraph no. 9 of the counter affidavit that the matter relating to grant of A.C.P. to the petitioner shall be kept again for consideration in the next Departmental Screening Committee which was likely to be held shortly.

In this case no supplementary counter affidavit has been filed as to whether till date the case of petitioner for grant of 2nd A.C.P. has been again considered or not. The last counter affidavit was filed in the month of March, 2012. Accordingly, without wasting time, the court proposes to dispose of the present writ petition with a direction to the respondents to examine the claim of the petitioner for grant of 2nd A.C.P. and decide the matter within a period of two months from the date of receipt /

production of a copy of this order.

It goes without saying that if there is no hindrance the petitioner shall be granted all the benefits in accordance with law in respect of grant of 2nd A.C.P. within the aforesaid time.

The writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

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