

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13917 of 2013

=====

1. Ram Suresh Singh Son Of Late Chandradeep Singh Resident Of Village-
Kataria, P.O.- Piro, District- Bhojpur, Presently Residing In Shankar Colony,
Ashiyana Nagar, P.S. Rajiv Nagar, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Chief Secretary To The Government Of Bihar,
Patna
2. Principal Secretary, Water Resources Department, Government of Bihar, Sinchai
Bhawan, Patna
3. Joint Secretary, Water Resources Department, Government of Bihar, Sinchai
Bhawan, Patna
4. Under Secretary, Water Resources Department, Government of Bihar, Sinchai
Bhawan, Patna
5. Chief Engineer, Water Resources Department, Anisabad, Government Of Bihar,
Anisabad, Patna
6. Technical Secretary To The Chief Engineer, Water Resources Department,
Anisabad,
7. Superintending Engineer, Ganga Sone Flood Protection Circle, Mithapur, Patna
8. Executive Engineer, Sone Flood Protection Division, Bihta

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. SURENDRA MISHRA

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 24-02-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Learned counsel for the petitioner is permitted to make
necessary correction in the cause title of the writ petition.

3. In the present writ petition, petitioner is challenging the
order dated 29.6.2007 passed by the Chief Engineer, Water
Resources Department, Anisabad, Patna by which ACP has been

granted to him but the services rendered in work charge establishment has not been taken into consideration.

4. In the present case the petitioner has raised a limited grievance that the period during which he had discharged the service in work charge establishment and later on regular establishment the period spent in work charge establishment has not been taken into consideration in connection with granting the benefit of ACP.

5. As per claim of the petitioner, he was appointed as Field Assistant in the work charge establishment on 30.12.1974 in the pay scale of Rs.220-4-240 EBS-290 EBS-315. Later on petitioner was brought into regular establishment on 12.9.1981 in the pay scale of Rs.260-408 and was posted as accounts clerk in the office of the Executive Engineer, Planning and Monitoring Division, Patna and he has already superannuated on 31.1.2009.

6. Learned counsel for the petitioner submits that petitioner first discharged the duty in the work charge establishment, later on brought to regular establishment but while considering the entitlement of ACP the respondent has not taken into consideration the period during which he had discharged the service in work charge establishment from 31.12.1974 to 12.9.1981.

7. It will be proper to examine the position of Rules 2003 ACP where Rule 4(ii)(ka) which provides that the period spent by employee as a work charge establishment will be taken into account while granting benefit of ACP and so much so while granting the pension the period discharged in the work charge establishment has been taken into consideration.

8. In view of the aforesaid facts and circumstances, the impugned order dated 29.6.2007 (Annexure-4) is hereby quashed. The Chief Engineer, Water Resources Department, Anisabad, Patna is directed to take into consideration the period of work charge establishment for entitlement of ACP to the petitioner in terms of Rule 2003 ACP within a period of three months from the date of receipt/production of a copy of this order.

9. Accordingly this writ petition is allowed.

(Shivaji Pandey, J)

Vinay/-

U			
---	--	--	--