

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13375 of 2013

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1. Najib Ahmad Son Of Late Latif Ahmad Resident Of Mohalla Adda Road, Police Station Sasaram, District Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Department Of Rural Development Govt. Of Bihar, Patna
2. The District Magistrate, Rohtas At Sasaram
3. The Chairman District Rural Development Agency Rohtas At Sasaram
4. The Deputy Development Commissioner Rohtas At Sasaram
5. The Director District Rural Development Agency Rohtas At Sasaram

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SANJAY KUMAR TIWARY

For the Respondent/s : Mr. NAMRTA MISHRA, GA-6

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-12-2016

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

The petitioner is the employee of D.R.D.A. and claiming that he should be given the benefit of A.C.P. like to the employees of the State Government.

An objection has been raised by the State that the employees of D.R.D.A. which has been incorporated as Society registered under Societies Registration Act, 1860, they cannot compare and compete with the employees of the State Government and the benefit conferred to the employees of the State Government, cannot be extended to the employees of the D.R.D.A.



A letter dated 19.06.2006 has been issued by the Deputy Secretary, Rural Development Department which has been brought on record by the State disclosing that the employees are brought on deputation basis for a particular project and they cannot claim parity with the employees of the State Government including the A.C.P., but in the said letter, it has been mentioned that the D.R.D.A. has been created and incorporated under the Societies Registration Act, 1860, they are governed under its Memorandum of Association and Bye-laws. They are getting financial help in the ratio of 75:25 per cent from the Central Government and the State Government itself, indicates that D.R.D.A. is quite different and distinct body to that of the State Government, they have own rules and regulations. The Central Government and the State Government can have control as per the provision as has been mentioned in the Bye-Laws and Memorandum of the Association.

D.R.D.A. has passed a resolution dated 27.12.2005, wherein vide resolution No. 8 (क) and (ख), a decision has been taken that the employees of D.R.D.A. will be given the benefit of A.C.P like the employees of the State Government. In pursuance thereof, certain employees were also given the benefit, but in the counter affidavit filed by the State, it has been stated, whatever the benefit was given, was under the wrong impression, action has



been taken for recovery of the said amount. In some cases, the recovery has been made, but the question would arise when the body corporate itself has taken a decision, so long as the resolution is standing, it cannot be said that the employees of the D.R.D.A. are not entitled to the benefit of A.C.P. in terms of the resolution.

In such view of the matter, let the petitioner should file a detailed representation before the concerned respondents in the light of the aforesaid observations of this Court and the D.R.D.A. will take decision within a period of two months from the date of filing of the representation.

With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

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