

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.203 of 2017

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Upendra Prasad Gupta @ Upendra Prasad Son of Late Jagannath Prasad
resident of Mohalla Anishabad, Police Station Gardanibagh, District Patna.
.... Petitioner

Versus

1. The State of Bihar through the Secretary, Urban Development Department, Patna.
2. The Patna Municipal Corporation through the Municipal Commissioner, Maurya Lok, Patna.
3. The Additional Municipal Commissioner, Patna Municipal Corporation, Maurya Lok, Patna.
4. The Office Superintendent, Patna Municipal Corporation, Maurya Lok, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rupak Kumar, Adv.

For the Respondent/s : Mr. Ravish Chandra, AC to SC6

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 07-07-2017 Heard Mr. Rupak Kumar, learned counsel for the petitioner and Mr. Ravish Chandra, AC to SC-6, for the State.

There is no representation on behalf of Patna Municipal Corporation.

The prayer of the petitioner is for issuance of writ in the nature of mandamus commanding the respondents, more particularly respondent no.2, the Municipal Commissioner, Patna Municipal Corporation, to consider his case for grant of 1st, 2nd and 3rd ACP with effect from 9.8.1999, 2.8.2004 and 2.8.2014 respectively together with consequential benefits.

Mr. Kumar, learned counsel for the petitioner, with reference to an order of this Court present at Annexure 7 submits



that even earlier the petitioner had to come before this Court for certain other reliefs and which was disposed of vide order dated 3.9.2010, present at Annexure 7, passed in C.W.J.C.No. 13598/2010. He submits that following the order of this Court that the promotion was granted to the petitioner vide Memo No. 1776 dated 11.4.2012 present at Annexure P8 but in the process the claim of the petitioner for grant of ACP benefits was ignored. He submits in reference to a representation present at Annexure P10 that the issue has been raised by the petitioner before the Municipal Commissioner on 17.8.2016 but has remained pending. Hence, this application.

In reference to the counter affidavit filed in the proceedings he submits that the State's opinion is that the issue is to be resolved by the Municipal Commissioner.

As I have observed, there is no representation on behalf of Patna Municipal Corporation.

In the circumstances and having heard learned counsel for the parties, I deem it proper to dispose of the writ petition with a direction to the Municipal Commissioner, Patna Municipal Corporation, to consider the grievance raised by the petitioner as reflected in his representation present at Annexure P10 and dispose of the same in accordance with law with opportunity of



hearing to the petitioner within a period of three months from the date of receipt/ production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

Surendra/-

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