

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3352 of 2016

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Devendra Jha, Son of Sri Bali Jha, Resident of Village- Murali, P.S.- Kishanpur,
District- Supaul.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Water Resources, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Water Resources, Govt. of Bihar, Patna
3. The Engineer-in-chief, Water Resource Department, Government of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Darbhanga.
5. The Superintending Engineer, West Kosi Canal Anchal, Water Resources Department, Madhubani.
6. The Executive Engineer, West Kosi Canal Division, Raj Nagar, Madhubani.
7. The Accountant General, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Respondent-State: Mr. R.S. Singh, AC to AAG-7
For the Respondent-AG : Mr. Bindhyachal Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL JUDGMENT

Date: 07-02-2017

The instant writ application has been filed by the petitioner for grant of monetary benefits of Assured Career Progression Scheme (for short 'ACP') and also to pay revised pension of the petitioner in view of benefit granted under ACP scheme and also for payment of differential amount occurred on gratuity, leave encashment on the basis of enhanced pay scale on the light of ACP.

2. It is submitted by the learned counsel for the State that the grievances of the petitioner has already been redressed and



after revising the pension of the petitioner light the light of ACP granted to him, recommendation was made to the office of the Accountant General, Bihar, Patna along with service book of the petitioner through registered post.

3. Learned counsel for the Accountant General submitted that after receipt of sanction granted by the Executive Engineer, West Kosi Canal Division, Raj Nagar, Madhubani for revising the pension of the petitioner, the office of the Accountant General has already authorized his pension with effect from 01.02.2012. He submitted that Rs.1,37,973/- has also been authorized to be paid to the petitioner on 14th October, 2016 itself as the differential amount occurred on retirement paid to the petitioner.

4. In reply, learned counsel for the petitioner submitted that though authorization has been made for payment of aforesaid amounts, the actual payment has not been made by the respondent no.6, the Executive Engineer, West Kosi Canal Division, Raj Nagar, Madhubani.

5. On the aforesaid submission made by the learned counsel for the petitioner, learned counsel for the State submitted that in case the payment has not been made, he would ensure that the same would be credited to the account of the petitioner within two weeks from today.

6. Considering the undertaking given by the learned



counsel for the State, the writ application is disposed of with a direction to the respondent no.6, the Executive Engineer, West Kosi Canal Division, Raj Nagar, Madhubani to ensure the credit of the enhanced amount of pension and gratuity authorized by the Accountant General, Bihar, vide PEN 051016151887/201211151247P1 and vide PEN 051016151887/202111151247G1 to the account of the petitioner, if the same has not already been credited till date. In case of failure to do so within two weeks from today, the respondent-State shall be liable to pay cost of Rs. 10,000/- to the petitioner, which may be recovered from the officer/officers responsible for causing the delay.

7. Since the order is being passed in presence of the counsel for the State, it is for learned counsel for the State to communicate the same to the officers of the department.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.02.2017
Transmission Date	NA

