

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1633 of 2014**

**In**

**Civil Writ Jurisdiction Case No. 18150 of 2012**

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Satya Narain Prasad, son of Late Raghunath Prasad, resident of village and  
P.O. Jagapakar, Via Areraz, P.S. Harsidhi, District- East Champaran

.... .... Appellant/s

Versus

1. The State of Bihar
2. The Engineer in Chief (North) Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna
3. The Deputy Secretary to the Govt. , Water Resources Department, Govt. of Bihar, Sinchai Bhawan, Patna
4. The Accountant General, Bihar, Birchand Patel Marg, Patna
5. Vigilance Investigation Bureau through the Superintendent of Police and Vigilance Investigation Bureau, Govt. of Bihar, Patna

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : None

For the Respondent/s : None

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR**

**UPADHYAY**

**ORAL ORDER**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

3      04-07-2017                      None appears for the appellant. None had appeared since 11.12.2014 after filing of the appeal when it was called on various dates.

Seeking exception to the order dated 25.2.2014 passed by the writ Court in CWJC No. 18150 of 2012, this appeal has been filed under Clause 10 of the Letters Patent.

The appellant had retired from the post of Junior Engineer on 31<sup>st</sup> July, 2011 and when benefit of ACP was denied to him, he approached this Court. This Court directed the



respondents to consider the matter and after considering his case when the same was rejected on 3.7.2012, the writ petition in question was filed. It was found by the writ Court that while the appellant was in service he was involved in a criminal case on charges for various offences under the Indian Penal Code and Prevention of Corruption Act and because of the aforesaid his case for ACP was not considered and when the matter was taken up at that point of time also the criminal case was pending which resulted in denial of ACP benefit. Finding that in view of the pendency of the criminal case, the claim of ACP could not be considered and it was left open to be considered after the trial in the criminal case is concluded, in doing so, we are of the considered view that the Writ Court has not committed any error warranting reconsideration.

The appeal is dismissed.

**(Rajendra Menon, CJ)**

S.Pandey/-

**(Anil Kumar Upadhyay, J)**

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