

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.484 of 2016

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1. Devendra Prasad Singh son of Hirday Narayan Singh, Resident of village- Pupri, P.O.- Dariyapur Kafan, P.S.- Kurhani, District- Muzaffarpur, the retired Rajaswa Karamchari, Morwa, District- Samastipur
 2. Lalan Prasad Singh, son of Late Bhumi Singh, Resident of village and P.O. Bishunpur Diha, P.S.- Singhiya, District- Samastipur, the retired Rajaswa Karamchari, Rosera, District- Samastipur
 3. Ganesh Prasad Singh, son of Jang Bahadur Singh, Resident of village and P.O. Bishunpur Diha, P.S.- Singhiya, District- Samastipur, the retired Rajaswa Karamchari, Rosera, District- Samastipur
 4. Naresh Jha, son of Kusheshwar Jha, Resident of Village- Tabhaka, P.S. Bibhutipur, District- Samastipur, the retired Rajaswa Karamchari, Dalsingsarai, District- Samastipur
 5. Shiv Pujan Singh, son of Chandra Singh, Resident of village- Pupri, P.O.- Dariyapur Kafan, P.S.- Kurhani, District- Muzaffarpur, the retired Rajaswa Karamchari, Kalyanpur, District- Samastipur

.... Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Finance Department, Government of Bihar, Patna
3. The Principal Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
4. The Joint Secretary, Revenue and Land Reforms Department, Government of Bihar, Patna
5. The District Magistrate, Samastipur, District- Samastipur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.

For the Respondent/s : Mr. Purnendu Singh- GP27

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 09-03-2017

Heard Mr. Vijay Kumar Singh, learned counsel for the
petitioners and the learned counsel for the State.

The writ petition has been filed praying for appropriate
direction to the respondent authorities more particularly the District
Magistrate, Samastipur to consider the claim of the petitioner for grant
of benefit under Assured Career Progression by counting the service
rendered by the petitioner on the post of Amin/ Rajaswa Karamchari.



According to Mr. Vijay Kumar Singh, learned counsel for the petitioners, although these petitioners have been provided with the benefit with effect from 1.4.1981 but their services as Amin/ Rajaswa Karamchari has not been counted and if the said period of service would be counted, the date of grant of first and second progression under the Scheme would shift back to an earlier date and they would also be entitled for the benefits under Modified Assured Career Progression. He submits that while the writ petition is pending, the respondents, on principle, have accepted the claim raised by the petitioners as manifest from the letter of the Joint Director, Revenue and Land Reforms Department dated 7.6.2016 placed on record vide Annexure 9 to the rejoinder which, inter alia, provides at paragraph 1 that the service rendered by an employee of the Revenue Department on the post of Amin/ Rajaswa Karamchari would be counted for the purpose of calculation of benefit under the ACP/ MACP Scheme. He, thus, submits that in view of the decision present at Annexure 9, the claim of the petitioners should be considered by the District Magistrate, Samastipur.

The argument of Mr. Singh is contested by the learned State Counsel to submit that since some of the petitioners have superannuated, such relief cannot be granted to them.

I have heard learned counsel for the parties and have perused the records.



Whether or not some of the petitioners have superannuated in the meanwhile is not an issue rather the issue is whether by counting the services in terms of the decision contained in Annexure 9 they are entitled to the benefits as claimed herein. In case what Mr. Singh, learned counsel for the petitioners, has argued, is upheld, even the petitioners, who have superannuated in the meanwhile, may be found entitled to the benefits including the benefits under the Modified Assured Career Progression.

In the circumstances discussed, I deem it proper to dispose of the writ petition with the liberty to the petitioners to raise their claim with supportive papers before the District Magistrate, Samastipur and which shall be considered and disposed of in accordance with law by the District Magistrate, Samastipur in the backdrop of the decision of the Revenue and Land Reforms Department dated 7.6.2016, placed at Annexure 9, expeditiously and preferably within three months from the date of receipt/ production of a copy of this order.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.03.2017
Transmission Date	NA

