

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

**Letters Patent Appeal No.1026 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No. 3667 of 2015**

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Ram Babu Rai, Son of Shri Horil Rai, resident of village - Sabalpur, P.S. Sonapur,  
District - Chhapra

.... .... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Urban Development  
Department, Govt. of Bihar, Patna
2. The Director, Patna Municipal Corporation, Patna
3. The Chief Engineer, Water Supply Branch, Patna Municipal Corporation, Patna
4. The Executive Engineer, Water Supply Branch, Patna Municipal Corporation,  
Patna

.... .... Respondent/s

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**Appearance :**

For the Appellant/s :

For the Respondent/s : Mrs. Babita Kumari, A.C. to S.C. 1

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

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

**Date: 30-06-2017**

Delay of 141 days in filing of this appeal is condoned.

I.A. No. 3791 of 2016 stands allowed and disposed of.

2. Seeking exception to an order dated 09.04.2015



passed by the learned Writ Court in C.W.J.C. No. 3667 of 2015, this appeal has been filed by the appellant under Clause 10 of the Letters Patent.

3. Appellant, who is an employee of the Patna Municipal Corporation, filed the writ petition in question seeking arrears of increment and benefit of Assured Career Progression which was denied to the appellant on account of his involvement in a criminal case under the N.D.P.S. Act, which is still pending. It was found that the appellant was suspended because of his arrest in the criminal case and during the period of suspension only Subsistence Allowance was granted and annual increments were not released to him.

4. The learned Writ Court after examining various aspects found that in the facts and circumstances due to pendency of the criminal case and the suspension if the A.C.P. was denied, the same cannot be faulted with and rejected the writ petition.

5. In doing so, we are of the considered view that the learned Writ Court has not committed any error. Grant of A.C.P. is subject to fulfilling all the conditions which are necessary for seeking regular promotion also and if pendency of the criminal case is an impediment in the matter of grant of A.C.P., no indulgence can be made into the matter.



6. Accordingly, finding no ground, the Letters Patent Appeal stands dismissed.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

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