

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1758 of 2016

In
Civil Writ Jurisdiction Case No.14742 of 2011

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1. The State of Bihar
 2. The Secretary, Road Construction Department, Bihar, Patna.
 3. The Deputy Secretary (Management Cell), Road Construction Department, Bihar, Patna.

... .. Appellant/s

Versus

Ganga Sharan Son of Gajar Prasad Resident of Mohalla- C-C56, P.C. Colony,
Kankarbagh, P.S.- Kankarbagh, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pratik Kumar Sinha, AC to GA 5
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 08-12-2017

Delay of 14 days in preferring the appeal is condoned. I. A.
No.7180 of 2016 is allowed. The matter is thereafter taken up on
merits.

The learned Single Judge allowed the writ application giving
a direction upon the State authorities to grant the benefit of 2nd
ACP to the petitioner- private respondent because juniors had been
granted the benefit in the year 2006. A plea was taken on behalf of
the State that a departmental proceeding was going on against him
and that a minor punishment was also inflicted. The Court has



taken note of the fact that the departmental proceeding was initiated in the year 2007 and the punishment was in the year 2010, therefore, the learned Single Judge has rightly held that the situation, which was prevailing on the date of the claim, is required to be considered and not the subsequent event, which may have taken place.

The learned Single Judge has also taken not of the position emerging from the affidavit of the State that there was no denial that no departmental proceeding when the right for consideration for grant of ACP was due was pending.

In view of the same, the order of the learned Single Judge does not require any interference. Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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