

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14769 of 2015

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Nageshwar Mahto S/o Late Ramphal Mahto Resident of Village- Mirjapur,
P.S.- Rosera, Dist- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Health, Bihar, Patna.
2. The Civil Surgeon Cum Chief Medical Officer, Madhubani.
3. The Officer in Charge C.M.O. cum Civil Surgeon Samastipur.
4. The District Provident Officer, Samastipur.
5. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Mritunjay Kumar Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal Advocate Mr. Upendra Pratap Singh Advocate
For the Respondent No. 5:	:	Mr. Raghwanand Advocate

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
ORAL ORDER

5 19-08-2017 Heard learned counsel for the parties.

All other issues relating to post-retiral dues and payment as well as grant of benefit of 1st and 2nd A.C.P. has already been redressed by the respondents. This position is certified from the stand taken in the counter affidavit.

Counsel for the petitioner makes a valiant effort to argue that the petitioner should also be extended the benefit of 3rd A.C.P. on the basis of his initial appointment on the post of a Dresser on 01.05.1984.

However, from the factual position it emerges that the



petitioner was terminated from service on 08.05.1985 by the order issued by the Collector, Madhubani. It is only subsequently due to judicial intervention that he came to be reappointed on 22.12.1985 on a temporary post and later on he may have earned his status as a regular government servant.

In the above factual background the expectation of the petitioner to earn 3rd A.C.P. on the basis of his initial engagement on 01.05.1984 is misplaced and such relief cannot be granted.

Writ Application otherwise stands disposed off with regard to the rest of the grievances, which are now no longer an issue.

(Ajay Kumar Tripathi, J)

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