

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1755 of 2016

IN

Civil Writ Jurisdiction Case No. 3072 of 2013

- =====
1. The State of Bihar
 2. The Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
 3. The Principal Secretary, Building Construction Department, Govt. of Bihar, Patna.
 4. The Engineer-in-Chief cum Chairman, Screening Committee Road Construction Department, Govt. of Bihar, Patna.
 5. The Assistant Engineer (Pension Cell) cum In-charge, Section-II, Road Construction Department, Bihar, Patna.

.... Appellant/s

Versus

1. Hans Raj Singh S/o Late Keshwar Singh of Mohalla- Mithapur B. Area Kannulal Road, P.S.- Jakkanpur, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. P.K. Verma, AAG-3
Mr. Saroj Kumar Sharma, AC to AAG-3
For the Respondent/s : Mr. Ramakant Sharma, Sr. Adv

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CORAM: HONOURABLE THE CHIEF JUSTICE

And

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 27-07-2017

Having heard learned counsel for the parties at length with regard to the merits of the directions issued in the matter of granting ACP to the respondents employee who has now retired from service, we see no error passed by the learned Writ Court, the order passed by the Writ Court has to be implemented. However, while allowing the petition, learned writ Court had made an observation that certain provisions which were incorporated in the



ACP rules of 2006 are not available in the ACP rules of 2010. This does not seem to be correct as in Schedule 1 to the rules of 2010 under clause 17, the said provision is there. We clarify that this issue is left open to be considered in a proper proceeding and after taking note of the rules in question proceeded, the matter can be decided again.

As far as present appeal is concerned, the benefit granted to the petitioner, shall be granted by the respondents.

With the aforesaid, we dispose of the appeal.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
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