

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12967 of 2010

=====

Bijay Kumar Sinha S/O Shri Mathura Prasad resident of village -Shadipur , P.S.-
Kotwali, P.O. & District.-Munger.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate , Lakhisarai.
3. The Deputy Collector (Establishment) , Lakhisarai.
4. The Block Development Officer Suryagarha , Lakhisarai.
5. The Circle Officer, Suryagarha, Lakhisarai

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Shriprakash Srivastava

For the Respondent/s : None

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL JUDGMENT

Date: 17-05-2017

1. On call, none appeared on behalf of the State.
2. Heard Sri Shriprakash Shrivastava, learned counsel for the petitioner .
3. The petitioner, has approached this Court invoking its writ jurisdiction under Article 226 of the Constitution of India by way of filing the present writ petition in the month of August , 2010. Before filing of the writ petition , copy of writ petition was already served in the office of Advocate General , Bihar. Despite the fact that writ petition was filed in the year 2010 and case was also adjourned on the prayer of learned State counsel for filing counter affidavit, no counter affidavit has been filed nor any one has appeared on behalf



of the State.

4. The petitioner has prayed for directing the respondents to grant benefit of A.C.P. It has been claimed that petitioner was appointed in the year 1976 as Assistant. It has further been claimed that though petitioner has passed departmental accounts examination even after introduction of the provision of A.C.P. the petitioner has not been provided the benefit of A.C.P., neither petitioner was paid benefit of 1st A.C.P. or 2nd A.C.P. It was submitted by learned counsel for the petitioner that during pendency of the writ petition the petitioner superannuated with effect from 31.3.2014 while functioning as Assistant / Clerk from the Collectorate of Lakhisarai. Learned counsel for the petitioner has drawn my attention to Annexure '2' series to show that petitioner had approached the District Magistrate claiming the benefit of A.C.P., however no decision has been taken. He further submits that even now petitioner is entitled to get 3rd A.C.P. i.e. M.A.C.P.

5. Instead of keeping the matter pending and asking the State Government to file counter affidavit, in view of the facts and circumstances, particularly the fact that petitioner has already passed departmental accounts examination, the Court proposes to dispose of the writ petition granting liberty to the petitioner to file fresh detail representation regarding up- to- date claim of A.C.P. before the



District Magistrate, Lakhisarai . If such representation is filed within a period of six weeks from today, the court expects that the learned District Magistrate, Lakhisarai / respondent no. 2 may examine the same and pass appropriate order. If he feels that there is no hindrance in granting relief under the A.C.P. scheme, he will pass consequential order. Even in case of rejection of claim of the petitioner, the District Magistrate, Lakhisarai is required to pass speaking order and communicate the same to the petitioner within a period of three months from the date of filing of such representation.

6. With above observation and direction, the writ petition stands disposed of.

(Rakesh Kumar, J)

Praful/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19 -05-2017
Transmission Date	NA

