

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11153 of 2014

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Devendra Kumar Singh Son of Late Ramdayal Singh Resident of Mohalla-
Maulabagh, P.S- Ara Nawada, Distt- Bhojpur Petitioner
Versus

1. The State of Bihar through the Chief Engineer Water resources department
Dehari (Rohtas)
 2. The Executive Engineer Water Resources Department Vikramganj, Rohtas.
 3. The Supredenting Engineer Sone Nahar Circle Ara, Distt- Bhojpur.
 4. The Supredenting Engineer, water Resources Department, Dehari, Rohtas.
 5. The Accountant General, Birchand Patel Marg, Patna (Bihar).
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Rajendra Nath Sinha, Advocate
For the State : Mr. H.Shivsundram, AC to SC 8
For the AG, Bihar : Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 08-12-2017

The petitioner has approached this Court praying that the grant of ACP effected from 31.12.2007 may be made effective from 9.8.1999 as he was eligible for grant of 1st ACP in the year 1999 and on the basis of such 1st ACP, the 2nd ACP and consequential benefits may be given to him.

Counsel for the State has brought on record the letter dated 15.5.1992 bearing Memo no. 4674 of the Personnel & Administrative Reforms Department from which it is pointed out that the benefits of exemption from passing of the departmental examination is made from the date on which he was so exempted, i.e., 31.12.2007. In the case in hand, six months prior to his retirement, the petitioner had applied for exemption from appearing



in the Departmental examination, i.e., June, 2007. The same has been granted vide Annexure A dated 31.12.2007 and thereafter the respondents justify the action in grant of 1st ACP from the date of exemption as is contemplated in the said letter dated 15.5.1992 of the Government of Bihar. The claim of the petitioner for grant of said ACP with retrospective effect is not based on any document or decision and therefore no infirmity can be attributed to the decision of the respondents in granting him grant of 1st ACP from 2007 when the exemption was granted to him. In this connection, Rule 4(5) of the Bihar State Employees Service Condition (Assured Career Progression Scheme) Rules, 2003 is also placed on record by the respondents to show that there was requirement of passing of the departmental examination and that only upon grant of exemption, an employee is entitled to the benefits.

In view of the aforesaid, no relief can be granted to the petitioner. The writ petition is dismissed.

(Madhuresh Prasad, J)

Shashi.

NAFR	
CAV DATE	NA
Uploading Date	11.12.2017.
Transmission Date	NA

