

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18216 of 2010

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Tribhuwan Prasad S/O Late Dip Narayan Lal R/O Moh 322, A.P.Colony,
P.S.Rampur, Distt-Gaya

.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary, Public Health Engineering Department Government Of Bihar, Having His Office In Vishwesharaiya Bhawan, Bailey Road, Patna
2. The Chief Engineer, Public Health Engineering Department (Mechanical) Government Of Bihar, Patna Having His Office In Vishwesharaiya Bhawan, Bailey Road, Distt-Patna
3. The Executive Engineer, Division Office , Public Health Engineering Department (Mechanical) Division Sasaram
4. The Principal Secretary, Finance Department Government Of Bihar, Patna
5. Te Accountant General(Accounts And Entitlement) Bihar, Patna, Having His Office In Birchand Patel Marg, Bihar, Patna

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Arun Kumar, Ac to GP-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 22-05-2017

None appears on behalf of the petitioner. Mr. Arun Kumar,

AC to GP-1. appears for the State.

Perused the records.

The writ petition was filed questioning the recommendation of the Accountant General, Bihar, Patna dated 4.11.2009, whereby an opinion was expressed on grant of 2nd ACP to the petitioner, which according to the Accountant General, Bihar, Patna the petitioner was not entitled to. A copy of such recommendation dated 4.11.2009 is annexed as Annexure 3 to the writ petition.

A counter affidavit is filed on behalf of the State and at paragraph-10 of the counter affidavit it is stated that acting on the



recommendation of the Screening Committee, the 2nd ACP granted to the petitioner has been recalled vide notification bearing No. 36 dated 23.2.2012, a copy of which is placed on record vide Annexure D/2 to the counter affidavit. Learned counsel for the State informs that the order has also been communicated to the petitioner.

Counter affidavit enclosing the notification was served on the learned counsel for the petitioner as back as on 28.6.2012 but neither has been responded to nor any interlocutory application has been filed to question the order recalling the 2nd ACP.

In my opinion, the issue raised in this writ petition has become infructuous for the recommendation of the Accountant General has been acted upon by the respondent State and the petitioner has not chosen to question the order passed by the State Government vide notification dated 23.2.2012 by filing any interlocutory application.

The writ petition is, thus, disposed of leaving it open for the petitioner, if so advised, to question the order recalling ACP by filing an appropriate application.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2017
Transmission Date	NA

