

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.329 of 2017

=====

Paremeshwar Prasad Mahto, Late Bhikar Mahto, Village - Karian Tola Bararia, P.S.
Rosera, District – Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Commissioner - Cum - Secretary, Revenue and Land Reforms, Govt. of Bihar, Patna.
3. Commissioner, Darbhanga Division, Darbhanga.
4. District Magistrate, Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-11-2017

Heard Mr. Prabhat Kumar Singh, learned counsel
appearing for the petitioner and Mr. Sajid Salim Khan, learned
Standing Counsel No.25 for the State.

The grievance of the petitioner is that he is entitled for
grant of 2nd ACP benefit under the Assured Career Progression
Scheme, 2003 but has been denied the benefit and pursuing the
grievance, the petitioner has superannuated with effect from
30.9.2007.

The pleadings on record would show that this petitioner
has earlier come for the same relief in CWJC No.3603 of 2014
which was referred to the Lok Adalat resulting in disposal by an
order dated 6.12.2014 requiring the Revenue Secretary to decide the



issue in the light of similar relief granted to one Kamlesh Mishra who was just a few number ahead to the petitioner in the gradation list. The grievance of the petitioner is that the decree of the Lok Adalat has also not been honoured by the Revenue Secretary forcing him to come again before this Court.

Mr. Singh, learned counsel appearing for the petitioner has invited the attention of this Court to the gradation list at Annexures 2 and 3 to submit that the gradation list would confirm that while said Kamlesh Mishra is at serial no.2 the petitioner is at serial no.4 though appointed earlier to him on 6.1.1972.

It is submitted that this petitioner and Kamlesh Mishra were granted promotion to the post of Circle Inspector with effect from 1998 but while Kamlesh Mishra was granted 2nd ACP on completion of 24 years of service vide order dated 8.11.2011 at Annexure-1 to the supplementary affidavit where his name appears at serial no.10 but this benefit has been denied to the petitioner and the reasons are missing.

Having heard learned counsel for the parties and considering the position reflecting from Annexures 2, 3, the order of the Lok Adalat at Annexure 1 and the grant of 2nd ACP to Kamlesh Mishra at Annexure 1 to the Supplementary affidavit, I deem it proper to direct the Commissioner and Secretary, Revenue



and Land Reforms, Government of Bihar, Patna to consider the grievance of the petitioner in the light of the facts noted and dispose of the same in accordance with law by a speaking order within a period of six weeks from the date of receipt/production of a copy of this judgment.

Needless to say that in case the petitioner is found entitled to the relief as prayed in the light of the observations above, the consequential benefits be provided to him within a period of four weeks of the disposal.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.11.2017
Transmission Date	NA

