

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6596 of 2017

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Birmani Kumar Singh, aged about 64 years Son of late Thakur Jivananand Kumar Singh Permanent resident of House No. -E -74, P.C. Colony, Kankarbagh, P.S. Kankarbagh, Patna-20

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resource Department, Government of Bihar, Patna.
2. The Principal Secretary, Minor Water Resource Department, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Engineer in Chief, Minor Water Resource Department, Government of Bihar, Patna.
5. The Chief Engineer, Minor Water Resource Department, Government of Bihar, Patna.
6. The Executive Engineer, Minor Irrigation Division, Minor Water Resource Department, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna

For the Respondent/s : Mr. Sita Ram Yadav -Gp16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 10-04-2018 The present writ petition has been filed for grant of the benefits of ACP in the basic grade of Accounts Officer by applying the benefits already granted by the Finance Department under notification No. 5276 dated 30.06.2016 extending the benefit of ACP promotion to the non-graduate qualification holder, at par with the graduates in compliance of the order and judgment passed by this Court in CWJC No. 18015 of 2011 which is dated 16.2.2012 as well as the order passed in MJC No. 2783 of 2012, which is dated 28.06.2016.



The learned counsel for the petitioner submits that the present case is squarely covered by the aforesaid two orders/ judgments passed by this Court and the requirement of grade pay granted to ACP is no longer required. It is further submitted that the case of the petitioner be decided as per the orders of this Court and the authorities may be directed to decide the case within a specified period.

Per contra, the learned counsel for the respondents submits that firstly the respondents were not inclined to grant ACP to the non-graduate, however, on account of threat of contempt they granted the benefits of ACP to the non-graduates. It is further submitted that the petitioner herein has been appointed on compassionate ground, hence in such cases ACP is not required to be granted.

The learned counsel for the petitioner Shri Ojha, in reply to the stand taken by the respondents has submitted that the policy has to be applied uniformly, once a person has been employed either on the regular post or on compassionate ground, as has already been settled by this Court in a catena of decisions.

In such view of the matter, I direct the petitioner to file a representation before the respondent no.2 within a period of two weeks from today along with all the judgments and



documents and the respondent no.2 shall consider the same as well as consider the law laid down by this Court and dispose of the said representation, by a reasoned and speaking orders on merits, within a period of four weeks thereafter.

The writ petition is disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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