

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19877 of 2011

=====

Dwarika Ram Son Of Late Kuwar Ram Resident Of Village - Domar
Narendra, Police Station - Bhore, District - Gopalganj

... .. Petitioner/s

Versus

1. The State Of Bihar , Through The Secretary, Road Construction Department,
Government Of Bihar, New Secretariat, Patna
2. The Chief Engineer, Road Construction Department , Government Of Bihar ,
New Secretariat, Patna
3. The Executive Engineer, Ganga Project Division, Hazipur, District - Vaishali

... .. Respondent/s

=====

Appearance :

For the Petitioner : Mr. Shivendra Kishore, Sr. Advocate.

For the Respondents : Mr. Neeraj Nandan Gp20

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 26-11-2018

Heard learned counsel for the petitioner and the respondents.

2. The petitioner who was appointed as Assistant Riger in the year 1962 superannuated on 31st March, 2004. Pursuant to the directions of the Supreme Court of India, he was paid the salary from April, 2000 to 31.03.2004, but this period, referred to above, was not counted as pensionable service. Since the petitioner was not given any promotion, he made several representations before the authorities. Subsequently, second A.C.P. was granted to him w.e.f. 09.08.1999 in the pay scale of Rs. 2750-4400/-.



3. Mr. Shivendra Kishore, learned senior counsel appearing for the petitioner has submitted that the second A.C.P. was granted without giving him the benefit of the first A.C.P. He further submits that no consequential benefits of difference of salary thereof was also given. He therefore, submits that the grant of second A.C.P. would be of no consequence unless the first A.C.P. and the corresponding difference in the salary and emoluments were given to him.

4. This Court is of the view that perhaps there could have been an oversight. If an employee has been given the second A.C.P. it presupposes that the first A.C.P. would have been granted to him.

5. However, taking into account the submission made on behalf of the petitioner, it is directed that the petitioner shall make a representation before the authorities concerned within a period of three weeks from today along with a copy of this order and the concerned respondent authority shall look into the matter and pass necessary orders in accordance with law, taking into account that such financial progression has to be given to an employee after 12 and 24 years of service respectively.

6. Needless to state that the order shall be passed by the respondent authorities within four weeks of the receipt of such a representation. It also presuppose



that in case the first A.C.P. has been omitted to be given to the petitioner, necessary and consequential amendment would be made in the salary and other emoluments as well as the pensionary benefits.

7. With the aforesaid direction/observation, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.11.2018
Transmission Date	30.11.2018

