

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10418 of 2014

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Birendra Kumar, son of late Surendra Prasad Singh, resident of Village & P.O.-
Mahabalipur, P.S.- Paliganj, District- Patna, at present resident of flat No. J/7, 1st
floor, P.C. Colony, Kankarbagh, Patna Petitioner

Versus

1. The State of Bihar
 2. The Chief Secretary, Bihar, Patna
 3. The Principal Secretary, Water Resources Department, Bihar, Patna
 4. The Principal Secretary, Minor Resources Department, Bihar, Patna
 5. The Under Secretary, Water Resources Department, Bihar, Patna
 6. The Engineer-in-Chief, Water Resources Department, Bihar, Patna
 7. The Chief Engineer, Minor Resources Department, North, Muzaffarpur
 8. The Superintending Engineer, Minor Irrigation Circle, Muzaffarpur null null
 9. The Executive Engineer, Minor Irrigation Division, Hajipur, Vaishali
- Respondents
- =====

Appearance :

For the Petitioner : Mr. Arun Kumar, Advocate

For the Respondents : Mr. Madhaw Pd. Yadav, GP 23

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 23-01-2018

Heard counsel for the petitioner and the State.

The petitioner has approached this Court praying for a direction to the respondents to consider the grant of ACP to the petitioner. During pendency of the writ petition, respondents have come up with an order granting the petitioner benefits of the 1st ACP with effect from 9.8.2006, since the grant of such benefit has been debarred for the period of seven years in the light of the punishment order dated 10.3.1998.

Counsel for the petitioner submits that even as a result of the punishment order dated 10.3.1998, which is Annexure B to the supplementary counter affidavit filed on behalf of respondents no.



3, 5 and 6, petitioners would be entitled to grant of 1st ACP with effect from 9.8.1999.

Counsel for the respondents has disputed the claim of the petitioner and submits that the benefits of the 1st ACP has been granted to the petitioner on the due date by Annexure 7 to the writ petition, which is a notification dated 2.12.2014.

Considering submission of counsel for petitioner that he proposes to challenge order of punishment dated 10.3.1998 taking a plea that the same was never served to him earlier, it would not be appropriate for this Court to go into the issue of due date of entitlement of the ACP taking into account the said punishment order. It will be open for the petitioner to raise all issues, which may be considered in appropriate proceedings. In view of the aforesaid, no order needs to be passed.

Counsel for the petitioner further submits that in light of the notification dated 2.12.2014, granting the benefit of ACP with effect from 9.8.2006 on the recommendation of the Scrutiny Committee of the department dated 10.11.2014, he has not been paid the said monetary benefits.

Respondents would be obliged to ensure payment of monetary benefits pursuant to the said notification dated 2.12.2014 to the petitioner within a period of eight weeks from the date of receipt/production of a copy of this order.



The writ petition stands allowed to the extent indicated
above.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	25.1.2018
Transmission Date	NA

