

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.262 of 2016

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Shivji Prasad S/o late Dularchand Sah Resident of Village- Narsama, P.S. Sitamarhi, District at present residing at New Colony, Balughat, District Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Old Secretariat, Patna.
3. The Finance Commissioner, Department of Finance, Bihar, Patna.
4. The District Magistrate & Collector, Nawada.
5. The Deputy Secretary, General Administration Department, Bihar, Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jayant Kumar Karan, Advocate
For the Respondent/s : Mr. Shankar Kumar, AC to AAG-7

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 29-01-2018

Heard Mr. Jayant Kumar Karan, learned counsel appearing for the petitioner and Mr. Shankar Kumar, learned AC to AAG-7 for the State.

The grievance raised by the petitioner is in respect of the order dated 1.10.2012 as contained in Annexure-4 whereby the petitioner has been granted the 2nd ACP with effect from 9.8.2009. According to Mr. Karan, learned counsel for the petitioner, it should have been granted with effect from 2003. In support of the claim, it is submitted by Mr. Karan that the petitioner was initially appointed as a Steno-Typist on 13.6.1979 with the Bihar Jal Vikas Nigam. In



reference to the order dated 6.9.1991 at Annexure-1, he submits that the post of the petitioner was upgraded to that of a Personal Assistant along with several others including the person named at sl.no.32 Raja Ram Singh and sl.no.33 Vishnudeo Prasad with the name of the petitioner appearing at sl.no.35. He next invites the attention of this Court to an order dated 9.8.2007 at Annexure-2 and with reference to sl.no.56, he submits that the said Vishnudeo Prasad was granted his 1st ACP from 9.8.1999 and his 2nd ACP with effect from 16.5.2003 taking note of his date of initial appointment as Steno-Typist on 16.5.1979. He submits that similarly Raja Ram Singh was also granted benefit in the similar manner counting the period of service from the date of initial appointment as Steno-Typist on 16.5.1979. It is submitted that while in case of these two gentlemen, the initial appointment on the post of Steno-Typist was treated as an entry in service for the purpose of grant of the 1st and 2nd ACP, in the case of the petitioner, while he was granted the 1st ACP on 9.8.1999 in the similar manner as these two persons but for grant of 2nd ACP w.e.f. from 9.8.2009, his date of appointment has been treated as 30.9.1991 which is the date of up-gradation of post vide Annexure-1 and not the date of initial appointment of the petitioner which is in fact 13.6.1979. It is thus submitted that the respondents cannot adopt different yardsticks. He submits that pointing infirmities in the grant



of 2nd ACP that several representation were filed by the petitioner with the General Administration Department, copies of which are annexed as Annexure-5 series but to no avail.

Having heard learned counsel for the parties and taking note of the apparent discrepancy pointed out by Mr. Karn, I deem it proper to dispose of the writ petition with a direction to the Principal Secretary, General Administration Department to consider the claim of the petitioner for grant of 2nd ACP with effect from 13.6.2003 in similar manner as granted to Raja Ram Singh and Vishnudeo Prasad and 3rd MACP with effect from 13.6.2009 as detailed in the representation dated 18.6.2013 forming part of Annexure-5 series and dispose of the same in accordance with law within a period of three months from the date of receipt/production of a copy of this order.

The writ petition is disposed of with directions above.

(Jyoti Saran, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08-02-2018
Transmission Date	

