

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18438 of 2008

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Bijay Kumar Sah, son of late Mushehib Sah, resident of Village Muhdin Gobindpur, P.S. Phulwarisarif, District Patna presently working as a Peon in Planning & Monitoring Department of Irrigation, Anisabad, Patna

.... Petitioner/s

Versus

1. The State of Bihar
2. The Superintending Engineer, Planning & Monitoring Department of Irrigation, Anisabad
3. The Executive Engineer, Planning & Monitoring Department of Irrigation, Anisabad.
- 4.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Mr. Kahkeshan Alam
For the State	:	Mr. Ravish Chandra, AC to SC 6

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 09-02-2018

Heard learned counsel for the petitioner and learned counsel for the State.

This writ petition has been filed for a direction to the respondents to regularize the service of the petitioner period from 10.4.2006 to 13.4.2006.

An interlocutory application vide I.A. No.8807 of 2017 has been filed wherein a prayer has been made for grant of ACP to the present petitioner.

Initially relief was sought by the petitioner to regularized



the service from 10.4.2006 to 13.4.2006 as that period was treated as break in service on account of the allegation as he has forcefully marked the attendance and on that account break in service was recorded but vide order dated 23.1.2018 the Executive Engineer, Planning and Monitoring Department of Irrigation, Anisabad has regularized the period and it will not be treated as break in service, on account of break in service he was not granted certain benefits including the ACP. ACP provides, person completed 12 years of service will be entitled for first ACP and on completion of 24 years of service person will be entitled to second ACP but after enforcement of MACP the person who has completed 10 years of service will be entitled to first MACP, second MACP after completion of 20 years of service and third MACP after 30 years of service.

It has been brought to the notice of Court by respondent that petitioner has been transferred to another office, namely, Superintending Engineer, Irrigation, Planning and Monitoring Circle, Sichai Bhawan, Patna, so the said authority will consider the case of the petitioner for grant of ACP and MACP taking into consideration the break in service of the petitioner has been regularized subject to the condition he satisfy other condition



stipulated under ACP Rules.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.2.2018
Transmission Date	NA

