

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10243 of 2017

Basuki Nath Choubey S/o Late Ram chandra Choubey, resident of Mohalla
Near D.M. Residence Club Road Arah, District-Bhojpur (Ara0

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar.
3. The Principal Secretary, Building Construction Department, Govt. of Bihar,
Patna
4. The Deputy Secretary, Building Construction Department, Govt. of Bihar,
Patna.
5. The Engineer-in-Chief, Building Construction Department, Govt. of Bihar,
Patna
6. The Executive Engineer, Building Construction Division Ara.
7. The Accountant General, Bihar Virchand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Tiwary
For the Respondent/s : Mr. Manoj Kr.Ambastha-Sc26

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2018 Heard Mr. Ranjeet Tiwary, learned counsel for the
petitioner and Mr. Manoj Kumar Ambastha, learned SC-26.

The present writ application has been filed for a
direction to the respondent authorities to grant benefit of 2nd
A.C.P. (Assured Career Progression) with effect from
20.01.2008 on completion of 20 years of continuous service and
to pay the arrears of salary and thereafter the differences of
pension as per the 2nd A.C.P. The reliefs prayed for in paragraph
1 of the writ application read as follows:-

I. For respondents be directed to grant benefit of 2nd
ACP with effect from 20.01.2008 after completing 20 years of



service.

II. For respondents be directed to pay arrear of salary and to pay other retiral dues after granting benefit of 2nd ACP and revise the pension accordingly.

III. For that any other relief or relief as your Lordships may deem fit and proper in the facts and circumstances of the case.

It is submitted by learned counsel for the petitioner that the petitioner was appointed on 20.10.1988 on the post of Junior Engineer (Civil) and joined in Road Construction Department at Madhepura. The petitioner retired from service on 30.09..2015 working as Estimator (Junior Engineer Civil) from Building Division, Building Construction Department, Ara. The petitioner was granted 1st A.C.P. after completing 10 years of continuous service, vide order No. 283 under Memo No. 3359(F), dated 07.09.2009 issued by the Deputy Secretary, Road Construction Department, Govt. of Bihar with effect from 20.01.2000 since the petitioner was appointed on 20.10.1988 and he was confirmed vide order dated 17.06.2008 issued under the signature of Additional Commissioner, Road Construction Department, Bihar, Patna, as contained in Annexure-1 and as per the scheme of A.C.P. he was entitled for 2nd A.C.P. on completion of 20 years of continuous service with effect from



20.01.2008, but till date 2nd A.C.P. has not been granted to the petitioner nor arrears of salary and differences of pension has been paid by virtue of grant of 2nd A.C.P. Petitioner has also submitted representation in this regard on 09.06.2016. Hence, the present writ application.

Learned SC-26 submits that all the retiral dues have been paid to the petitioner and so far as grant of 2nd A.C.P. is concerned, necessary information in this regard has already been sent to the Deputy Secretary, Building Construction Department, Bihar, Patna on 03.03.2015 by the then Executive Engineer, Building Division, Ara, as contained in Annexure-4 to this writ application and after receiving necessary direction, the authority concerned may take needful action, statement to that effect has been made in paragraph 16 of the counter affidavit, which reads as follows:-

“That the answering respondent further humbly states and submits that so far payment of 2nd ACP to the petitioner w.e.f. 20.01.2008 is concerned a letter vide Annexure-4 of the writ application has already been sent to the department for necessary direction. As the same is received the needful will be done from the end of the answering respondent.”

Having considered the rival submissions of the



parties, the appointment, confirmation and retirement of the petitioner after satisfactory service is not in dispute. The only claim is with regard to 2nd A.C.P. and due to such grant the arrears of revised salary and pension and in view of the aforesaid stand of respondent no. 6 where it has not been disputed that the petitioner is not entitled for grant of 2nd A.C.P. and necessary direction from the respondent authorities is required particularly, from respondent no. 4. It is expected from respondent no.4, Deputy Secretary, Building Construction Department, Govt. of Bihar, Patna to take needful action in this regard and to make payments within a period of six weeks from the date of receipt/production of a copy of this order.

Accordingly, this writ application is disposed of.

(Dinesh Kumar Singh, J)

DKS/-

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