

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 11519 of 2014

=====

Moti Tatma S/O Late Manglu Tatma Resident of Village- Harda P.S. Khazanchi
Hat, District Purnea

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner cum Secretary, Rural Development Department,
Government of Bihar, Development Secretariat, Patna
3. The Deputy Secretary, Rural Development Department, Development
Secretariat, Patna
4. The District Rural Development Agency, Araria through Deputy Development
Commissioner cum Chief Executive Officer, District Rural Development Agency,
Araria
5. The Deputy Development Commissioner cum Chief Executive Officer, District
Rural Development Agency, Araria
6. The Director, Accounts Administration and Self Employment, District Rural
Development Agency, Araria

.... Respondent/s

=====

For the Petitioner/s : M/s Anil Pd Singh & Vijay Kishore Bharti,
Advocates

For the State : Mr Asif Kalim, AC to AAG XII

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 04-01-2018

Heard counsel for the petitioner and the State.

2 The writ petition has been filed by the petitioner claiming the benefit of Assured Career Progression (for brevity, *ACP*) and consequential benefits. The petitioner was a Driver in the District Rural Development Agency, Araria (for brevity, *DRDA*). The petitioner retired from the said post on 28.02.2014.

3 Counsel for the State, relying on the counter affidavit, has pointed out two letters dated 05.09.2014 and 11.09.2014 issued by the Officer on Special Duty in the Rural Development Department. It



is further submitted in the counter affidavit that vide Finance Department Resolution No 7566 dated 14.07.2010, it has been resolved to provide the benefit of ACP to permanent Government employees/servants only. He submits that the DRDA is a registered self-governed unit registered under the Societies Registration Act, 1860 and the employees thereof are not entitled to the benefit of ACP. Relying on the aforesaid two letters, he submits that even if payment of ACP has been made to any employees, the same is said to be recoverable from them.

4 In view of the fact that the DRDA is a registered self-governed unit registered under the Societies Registration Act, 1860 and the employees thereof having not been given the status of Government servant, claim of the petitioner for ACP is not tenable. No rejoinder has been filed by the petitioner nor the said contention has been disputed.

5 In view of the aforesaid position, no relief can be granted to the petitioner in the instant writ proceedings. The writ petition is dismissed.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.01.2018
Transmission Date	NA

