

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8653 of 2010

1. Nirmala Singh, aged about 62 years Wife of late Kritya Nand Singh, Resident of Village Bharkodi, P.S. Andharmath, Dist. Madhubani.
2. Pranav Kumar Singh, aged about 32 years, son of late Krityanand Singh, Resident of Bharfori, P.S. Andharamath, Dist. Madhubani.
3. Suman Saurav , aged about 24 years, son of Late Krityanand Singh, Resident of Village Bharfori, P.S. Andharamath, Dist. Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Water Resources Department, Govt. of Bihar, Patna.
2. The Accountant General of Bihar, Veer Chande Patel Path, Patna,
3. The Chief Engineer, Planning and Monitoring, Water Resources Department, Bihar, Patna.
4. The Superintending Engineer, Flood Control Planning and Monitoring Irrigation Building, Water Resources Department, Bihar, Patna.
5. The Accounts Officer of Accountant General Of Bihar, Veer Chand Patel Path, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. P.N.Pathak, Adv.
For the State	:	Mr. Syed Hussain Majeed, AC to SC6
For the AG	:	Mr. Chaitanya Swaroop, Adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 26-03-2018

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

In this case, the only limited question has been raised as to whether the period for the purpose of A.C.P. will be counted from the date the original petitioner was promoted cum regularized in the Correspondence Clerk or the entire period will be taken into consideration which he has discharged as Mixture Khalasi/Mixture Operator for grant of A.C.P. The answer can be given in the manner that if the petitioner would remain in the same post and regularized in the same post than, in that circumstances, the entire period will be



considered for the purpose of grant of A.C.P. but, in the present case, the original petitioner was Mixture Khalasi in the scale of Rs. 65-75 whereafter his position was elevated to Mixture Operator in the scale of Rs. 205-284 and while absorbing the original petitioner, he was made Correspondence Clerk in the scale of Rs. 284-372 which is a higher pay than that of the Mixture Operator. The office of the Accountant General (Annexure-11) has rectified the mistake and mentioned that the period of 24 years will be reckoned from the date the petitioner has been made Correspondence Clerk i.e. 22.3.1982.

This Court does not find any error in the decision of the Accountant General and the same does not require any interference. However, any excess payment made to the original petitioner will not be recovered from him and, at the same time, his entire retrial dues will be paid including pension and gratuity without any delay preferably within a period of four months from the date of receipt/production of a copy of this order.

With the aforementioned observation, this writ application is disposed of.

rishi/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.03.2018
Transmission Date	NA

