

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.412 of 2015

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Shailendra Kumar son of Late Yadunandan Sharma, resident of village Mohiuddinpur, P.S. Rahui, District Nalanda, presently residing at village Deep Nagar, P.S. Deep Nagar, District Nalanda

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner, Land Revenue Department, Government of Bihar, Patna
2. The Collector, Nalanda
3. The Sub-Divisional Officer, Bihar Sharif, District Nalanda
4. The Circle Officer, Harnaut, District Nalanda

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate
For the Respondent/s : Mr. M.K. Sinha, SC1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 31-01-2018

Heard counsel for the petitioner and the respondents-

State.

2. The writ petition has been filed with a prayer for grant

of first and second ACP to the petitioner.

3. Counter affidavit filed on behalf of respondents-State

discloses that due to effect of certain punishment, the grant of first

ACP was delayed but has been granted. The same is accepted by the

petitioner in his rejoinder.

4. As regards the second ACP, it is submitted that from

the office order dated 15.04.2015 bearing memo no. 1143 issued



under the signature of the Collector, Nawada which is Annexure A to the counter affidavit, the petitioner’s entitlement prior to 01.07.2015 has been held not tenable. The natural corollary is that after 01.07.2015 the petitioner was entitled to grant of second ACP. Actual payment of the same is not reflected from the counter affidavit.

5. In paragraph 4 of the counter affidavit it has specifically been stated that the petitioner may be entitled to get second ACP after 01.07.2015 on the basis of the said letter of the Collector, Nawada.

6. In view of the said claim having been admitted by the respondents, they would be obliged to expedite the payment of actual benefits to the petitioner admissible after 01.07.2015 within a period of eight weeks from today.

7. The writ petition stands allowed to the aforesaid extent.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	06.02.2018
Transmission Date	

