

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1937 of 2016

IN

Civil Writ Jurisdiction Case No. 13917 of 2013

- =====
1. The State of Bihar through the Chief Secretary to the Government of Bihar, Patna.
 2. Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
 3. Joint Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
 4. Under Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
 5. Chief Engineer, Water Resources Department, Government of Bihar, Anishabad, Patna.
 6. Technical Secretary to The Chief Engineer, Water Resources Department, Anishabad, Patna
 7. Superintending Engineer, Ganga Sone Flood Protection Circle, Mithapur, Patna
 8. Executive Engineer, Sone Flood Protection Division, Bihta

.... Appellant/s

Versus

Ram Suresh Singh Son Of Late Chandradeep Singh Resident Of Village- Kataria, P.O.- Piro, District- Bhojpur, Presently Residing In Shankar Colony, Ashiyana Nagar, P.S. Rajiv Nagar, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sajid Salim Khan, SC-25

For the Respondent/s : Mr. Dineshwar Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 21-03-2018

Heard learned counsel for the State and learned counsel for the private respondent.

Keeping in view the amendment which was brought about by the State authorities themselves in the 2003 ACP Rules in the year



2006 where Rule 4 (ii) (ka) was incorporated and notified, the learned Single Judge was correct in taking a view that the period of work rendered in the work charge establishment will also be counted for the purposes of grant of ACP.

On a close scrutiny of the records, we are satisfied that it was not a case of substantive appointment of the private respondent on the post of Accounts Clerk but it is a case of regularization on the post of Accounts Clerk against the vacant sanctioned post when adjustment was sought to be made of work charge employees by the department in question.

The appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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