

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13763 of 2010

Alok Kumar Singh S/o Late Triveni Prasad Singh R/O J-35, P.C. Colony,
Kankarbagh, P.S. Kankarbagh, Distt-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary Govt. of Bihar, Patna
3. The Principal Secretary, Personnel And Administrative Reforms Department Bihar, Patna
4. The Principal Secretary, Finance Department Bihar, Patna
5. The Secretary, Minor Irrigation And Water Resources Department Bihar, Patna
6. The Chief Engineer, Minor Irrigation Minor Irrigation And Water Resources Department Bihar, Patna
7. The Chief Engineer , South Minor Irrigation Minor Irrigation and Water Resources Department Bihar, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Adv.
		Mr. Md. Hussamuddin Azad, Adv.
For the Respondent/s	:	Mr. Amit Bhushan, AC to GP-17

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 14-05-2018

At the outset, it appears that due to inadvertence, the order number of the order dated 30.03.2018 has been wrongly typed as “500” in place of “5”.

In that view of the matter, let the order no.500 be reads as order no.5.

Heard learned counsel for the parties.

In this case, the petitioner is claiming the benefit of A.C.P. as he has been deprived on account of being caught red-handed while taking bribe led to the Vigilance P.S. Case No. 70 of 2008 and, as such, he has been deprived of the benefit of A.C.P.

Learned counsel for the petitioner has submitted that the charges were framed, order of punishment was given which has been set



aside by the Board of Revenue, that too was again challenged before the Board of Revenue by way of revision/review, that has also been dismissed. Ultimately, the Government in, no tolerance policy, has passed the order for 100% forfeiture of pension and gratuity.

Learned counsel for the petitioner submits that the petitioner is entitled to the A.C.P. prior to the date of alleged occurrence and, as such, he cannot be deprived of the benefit that has taken place subsequently after the due date of the entitlement of A.C.P.

Learned counsel for the State submits that as per record, it shows that the petitioner has been deprived of the pension on account of pendency of a serious case and he cannot claim the benefit of A.C.P.

Let the petitioner should file a detailed representation to the Government with respect to entitlement of A.C.P. in his favour giving details of fact and if such an application is filed, the Government will take decision within a period of four months from the date of filing of the representation by the petitioner.

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

(Shivaji Pandey, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	NA

