

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1714 of 2016

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Gangeshwar Sharma, son of Late Ram Charan Singh, resident of village Waina, Police Station Ghosi in the District of Jehanabad

... .. **Petitioner**

Versus

1. The State Of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna
2. The Principal Secretary, Home Department, Government of Bihar, Patna
3. The Principal Secretary, Finance Department, Government of Bihar, Patna
4. The Director General and Inspector General of Police, Bihar, Patna
5. The Inspector General of Police (Headquarters), Bihar, Patna
6. In-charge Officer Finance (Personal Claim Redressal Cell) Department, Bihar, Patna.

... .. **Respondents**

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Appearance :

For the Petitioner : Mr. Siya Ram Shahi, Advocate & Mr. Sunil Kumar, Advocate
For the State : Mr. Kumar Alok- SC 7 & Mr. Rakesh Kumar, AC to SC 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 17-01-2019

Heard learned counsel for the petitioner as well as

learned counsel for the State.

The petitioner claims benefits of enhanced scale provided for the persons promoted to the post of Deputy Superintendent of Police under the Finance Department's letter dated 7.8.2013.

Learned counsel for the State submits that the benefits as claimed is in respect of Assured Career Progression, as the Finance Department's letter deals with the manner of grant of benefits of enhanced/revised scale under the ACP scheme of 2003. It is submitted that as per the requirement of Bihar Police Manual, petitioner did not pass the Accounts examination which was mandatorily required under Rule 648(b) of the Bihar Police



Manual, As such it is submitted that since the petitioner did not pass the Accounts examination, he was not confirmed on the post of the Deputy Superintendent of Police and would not be entitled to grant of benefits of the ACP as contemplated under letter dated 7.8.2013.

In support of the submission, learned counsel for the petitioner relies upon the provisions contained in Clause 5 of the ACP Rules of 2003. However, he submits that similarly situated Laxman Singh and Sri Bal Govind Prasad, who were allegedly junior to the petitioner, have been granted the benefits in light of Finance Department's Letter No.8242 dated 7.8.2013. He submits that for grant of similar benefits citing the case of Laxman Singh and Sri Bal Govind Prasad, petitioner would be approaching the Principal Secretary, Home Department, Government of Bihar, Patna (respondent no.3) in support of the said claim by asserting that Laxman Singh and Sri Bal Govind Prasad had also not passed Accounts examination and were also not confirmed. On this ground, learned counsel for the petitioner claims that the petitioner would be claiming parity before respondent no. 3.

In view of the limited prayer made by learned counsel for the petitioner, writ petition is disposed of with liberty to the



petitioner to file a representation in respect of his claim before respondent no.3 within a period of four weeks.

In the event the representation as above is filed, the same would be disposed of by a reasoned and speaking order within a period of three months thereof.

(Madhuresh Prasad, J)

Shashi

AFR/NAFR	NAFR
CAV DATE	NA
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