

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6110 of 2019

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Sheo Pravesh Rai, Son of Late Ram Dutt Rai, Resident of Village-Dihariyan,
P.O.-Mahila, P.S. Itarhi, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. The Principal Secretary Minor Irrigation Department, Bihar, Patna.
3. The Principal Secretary (Expenditure) Department of Finance, Bihar Patna
4. The Chief Engineer, Minor Irrigation Department, (Planning, Design and Underground Water Division), Vikash Bhawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner : Mr. Sanjay Kumar, Advocate
For the Respondents : Mr. Durgesh Nandan (AAG-14)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-04-2019

Heard the learned counsel for the parties.

2. The petitioner has approached this Court for a direction to the respondents to grant him the benefits of ACP as he is entitled to the same but with the only impediment that he has not passed the Accounts examination, after crossing 50 years. This is the objection of the respondents also in making available to him the benefits of ACP. It has not been stated by the petitioner clearly, neither has the concerned fact been dealt in the counter affidavit viz. whether there was any cadre rules



providing avenues of promotion before the petitioner superannuated and any promotional avenue was available in such cadre. In the absence of cadre rules providing for promotion in the same cadre, the requirement of passing the departmental examination may not be insisted upon. These aspects must be gone into by the concerned authority in case the petitioner represents before such authority for redressal of his grievance.

3. The petitioner is therefore directed to make a representation before the Chief Engineer, Minor Irrigation Department, (Planning, Design and Underground Water Division), Vikash Bhawan, Patna (respondent no. 4) within a period of four weeks from today, indicating in detail the reasons for him to be paid the benefits of ACP, which is in the nature of financial progression and whether there were any promotional avenues available till the time he remained in service, who on receipt of such representation, dispose it of by passing a reasoned order after verifying the records and the current exposition of law over the



issue, within a further period of six weeks thereafter. If the claim of the petitioner is found to be admissible/tenable, necessary sequel order shall also be passed within the aforesaid period.

4. With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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