

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7592 of 2015

1. Dayanand Mishra, Son of Late Gunanand Mishra. Resident of Village - Vishunpur, P.O.- Balua Bazar, District - Supaul.
2. Umesh Kumar, Son of Sri Satyadeo Singh. Resident of Village - Balabakhar, P.O.- Gehuma Bairiya, P.S.- Phulparas, District - Madhubani.
3. Rampravesh Sinha, Son of Late Devnandan Prasad. Resident of Village - Jamuawan, P.O.- Tajpur, P.S.- Khijar Sarai, District - Gaya.
4. Abhay Kumar, Son of Sri Harihar Prasad Singh. Resident of Village - Gokhula, P.O.- Gokhula Rupauli, P.S.- Paru, District - Muzaffarpur.
5. Kapileshwar Kumar Singh, Son of Sri Janardan Kumar Singh. Resident of Village - Mairwan Karn, P.O.- Nechua Jalalpur, District - Gopalganj.
6. Bhanu Pratap Singh, Son of Late Harendra Prasad Singh. Resident of Village - Bhusaav, P.O.- Bhagwanpur, District - Gopalganj.
7. Sita Ram Prasad, Son of Late Chhattu Prasad. Resident of Village - Karawatahi Bazaar, P.S.- Kuchaikote, District - Gopalganj.
8. Narendra Kumar Singh, Son of Late Nand Bihari Singh. Resident of Village P.O.- Bhatauli, P.S.- Nawanagar, District - Buxar.
9. Manoj Pratap Singh, Son of Sri Birendra Kumar Singh. Resident of Village - Bhusaav, P.O.- Bhagwanpur, District - Gopalganj.
10. Ananjay Kumar Bharti, Son of Sri Pramod Narayan Bharti. Resident of Village - Barari, P.O.- Guru Bazar, P.S.- Barari, District - Katihar.
11. Chitranjan Kumar Singh, Son of Indrasan Singh. Resident of Village - Mishrawalia, P.O.- Sakaddi, P.S.- Jalalpur, District - Saran Chapra.
12. Sushil Kumar Srivastava, Son of Late Bachcha Lal Srivastava. Resident of Village - Karpalia, P.O.- Mustafabad, P.S.- Gauriakothi, District - Siwan.
13. Sanjit Kumar Chanchal, Son of Siddheshwar Singh. Resident of Village P.O.- Chhariyari, P.S.- Makhdoompur, District - Jahanabad.
14. Amarnath Singh, Son of Sri Rajdeo Singh. Resident of village - Sareya, Ward No.3, P.O.- Sadhu Chauk, P.S.- Gopalganj, District - Gopalganj.
15. Manoj Kumar Srivastava, Son of Late Yashodanand Srivastava. Resident of Village - Bedutola, P.O. P.S.- Thawe, District - Gopalganj. All 1 to 15 presently posted as Upper Division Clerk in Muffassil/Collectorate Cadre in the different offices of Collectorate, Gopalganj, District - Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of General Administration, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The District Magistrate, Gopalganj.



5. The District Development Commissioner, Gopalganj.
6. The District Accounts Officer, Gopalganj.
7. The Treasury Officer, Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar Pandey No 5
For the Respondent/s : Mr Yogendra Pd Sinha, AAG VII
Mr Rajeev Kumar Sinha, AC to AAG VII

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 18-06-2019 Heard learned counsel for the petitioners and the respondent-State.

Petitioners are working on Class III post in the District Collectorate at Gopalganj. They have approached this Court for grant of benefit under Assured Career Progression (for brevity, ACP) Scheme in the pay scale of Rs 5,000/- to Rs 8,000/- in Pay Band – 2 giving the Grade Pay of Rs 4,200/-.

Learned counsel for the petitioners has drawn attention of the Court towards report of the Committee constituted for examining their claim. Report is dated 01.11.2013 and pursuant thereto, the District Magistrate, Gopalganj has also written to the General Administration Department seeking Guidelines for grant of the said benefit to the petitioners.

Report of the Committee recommends the said claim of the petitioners but subject to Guidelines which were to be



obtained from the Finance Department. In spite of such report of the Committee in November 2013, learned counsel for the petitioners submits that benefits, as recommended there under, has not been made available to the petitioners. It is further submitted that similarly situated persons in other Collectorates, such as Jamui, have been granted the same benefits. In this connection, petitioners' counsel places reliance on one order issued by the Establishment Section of the Jamui Collectorate which is dated 29.11.2011.

Writ petition has been filed in the year, 2015. Till date, no counter affidavit has been filed by the respondent-authorities.

Learned counsel for the petitioners, however, submits that no final decision pursuant to the recommendations of the Committee dated 01.11.2013 has been taken till date by the respondent-authorities.

Since the final decision is to be taken by the authorities themselves, no adjudication is required in the proceedings and keeping the same pending would be futile.

Writ petition is, therefore, disposed of with a direction to the respondent-authorities to take a final decision on admissibility of the petitioners in the pay scale of Rs 5,000/- to



Rs 8,000/- in Pay Band – 2 giving the Grade Pay of Rs 4,200/- as per the Committee's recommendations dated 01.11.2013 within a period of three months from the date of receipt/production of a copy of this order before respondent-authorities.

Petitioners should also serve a copy of this order on respondents No 2 and 3 so as to facilitate consideration.

In the event, petitioners are found entitled to the grant of financial benefits, respondent-authorities would be obliged to extend the same benefit to the petitioners within a period of eight weeks thereafter.

(Madhuresh Prasad, J)

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