

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4924 of 2019

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Kalyan Prasad (retired), son of Late Ganesh Prasad, resident of B.N.R. Road,
Pathri Ghat, P.S.- Alamganj and P.O.-Gulzarbagh, Patna-7

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Dept.
Govt. of Bihar, Patna
2. The Principal Secretary, Dept. of Finance, Govt. of Bihar, Patna
3. The Director-cum-Additional Secretary, Administration, Education Dept.,
Govt. of Bihar, Patna
4. The Director, Higher Education, Education Dept. Govt. of Bihar, Patna
5. The Director, K.P. Jaiswal Research Institute, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Manoj Priyadarshi, Adv Mr. Manager, Sah, Adv
For the Respondent/s	:	Mr.Ashutosh Ranjan Pandey (AAG-15)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 22-04-2019

Heard the counsel for the parties.

2. The petitioner has approached this Court, feeling aggrieved by the inaction of the concerned respondent in not paying to him the first ACP with effect from 05.08.2000 i.e. after 12 years of his joining the service and the second MACP with effect from 05.08.2010.

3. It has been submitted on behalf of the petitioner that similarly situated persons were granted the aforesaid financial benefits but only after they got orders from this



Court. It has further been submitted that this should not be the policy of a model employer like the State.

4. The petitioner was initially appointed on ad-hoc basis in the Human Resources Department as an Assistant Engineer. The services of the petitioner was continued to be extended and ultimately, he was regularized on the post of Assistant Engineer in the State Institute of Educational Technology, Patna in the year 1997. After the dissolution of the aforesaid institute, the petitioner was posted as a Research Fellow-cum-Assistant Director, K.P. Jaiswal Research Institute, Patna and he superannuated on 31.01.2011.

5. It has been submitted on behalf of the petitioner that one Sudhir Kumar Sinha, one of the persons, who too was appointed as Assistant Engineer in the State Institute of Educational Technology, who later was posted in similar such educational institute, was paid the benefits of the financial progression because of his being inducted in government service.

6. Despite the petitioner representing before the



concerned authority, no order has been passed till date, keeping the petitioner high and dry.

7. Under the aforesaid circumstances, this Court deems it appropriate to direct the petitioner to make a representation before the Principal Secretary, Human Resources Department, Government of Bihar, Patna (respondent No. 1) within a period of four weeks from today, who, on receipt of such representation, shall look into and verify all the facts and pass a reasoned order in accordance with law within a further period of eight weeks thereafter. If the claim of the petitioner is found to be tenable, necessary sequel order shall be passed within the aforesaid period.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Shageer/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23/04/2019

