

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7716 of 2015

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Vishwanath Mandal Son of Late Balram Mandal, Resident of Mahesh Khore,
P.O- Madaarga, P.S. Sonoula, District Bhagalpur.

... .. Petitioner

Versus

1. The State Of Bihar through its Chief Secretary, Old Secretariat, Patna
2. The Finance Commissioner, Government of Bihar, Old Secretariat, Patna
3. The Collector, Bhagalpur
4. Deputy Collector, Establishment, Bhagalpur
5. Anchal Adhikari, Bihpur, Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s : Ms. Mallika Mazumdar

Mr. Prem Kumar

For the Respondent/s : Ms. Ratna Kumari, AC to AAG 2

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-06-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

This writ petition has been filed claiming grant of
second progression under the Assured Career Progression
Scheme. The petitioner's claim is with effect from 9.8.1999.

Counter affidavit of the State has been filed, wherein
stand has been taken that due to absence of the petitioner for
710 days there is a breakage in his service and, therefore, the
petitioner could not be considered for grant of second
progression under the ACP Scheme.

The petitioner disputes the said period of 710 days.



However, it is the stand of the petitioner in his rejoinder that the period of actual absence may be regularised after sanctioning leave due to the petitioner and if subsequent thereupon he is entitled to grant of second progression under the ACP Scheme, the same may be paid to him.

Stand of the parties leaves scope for consideration by the authorities themselves as to what is the actual period of absence and what will be the period which may be regularised after grant/sanction of the leave due to the petitioner. If there is sufficient leave to take care of petitioner's absence for the alleged break in service then occasion may arise for consideration in respect of grant of second progression under the ACP Scheme. Since the issue has to be considered by the respondents themselves the writ petition need not be kept pending.

Let entire exercise be completed by the respondent authorities. To facilitate such decision the petitioner should place on record the exact claim in respect of period of absence seeking regularisation by grant of leave before respondent No. 3 by a detailed representation. In the event the same is filed within four weeks, respondent No. 3 should take a decision on the same in accordance with law by a reasoned and speaking order,



and if amounts are found due on account of grant of second progression under the ACP Scheme, the same may be extended to the petitioner within a period of three months from the date of receipt/production of a copy of this order.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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