

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 7481 of 2015

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Mahendra Das, S/o Late Dhura Das, Village - Harna, Post - Maniyarpur,
District - Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Secretary, Welfare Department, Bihar, Patna
2. The Director, SC/ST, Welfare Department, Bihar, Patna.
3. The District Magistrate, District – Banka.
4. District Welfare Officer, Banka

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jai Ram Singh
For the Respondent/s : Mr.Kumar Manish- Sc21

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 18-06-2019 Learned counsel for the petitioner is permitted to
implead the District Welfare Officer, Banka as respondent No 4
to the writ petition.

Petitioner is a retired Block Welfare Officer.

Writ petition has been fled claiming benefits of
second and third Assured Career Progression (for brevity, *ACP*)
under the Scheme. Petitioner has retired long back on
31.03.2014.

In these proceedings, stand is taken that the
Departmental Screening Committee, conducted in the year
2016, withheld the grant of ACP due to non-availability of
Annual Confidential Reports (for brevity, *ACRs*) of the relevant



years in original. Further stand is taken that upon receipt of the original ACRs for the relevant years, matter would be considered and decision taken whether or not to approve ACP to the petitioner.

Petitioner's counsel submits that the petitioner is entitled to the benefits under second and third ACP Scheme.

This Court would only observe that the respondents cannot keep the matter lingering in this way. They are themselves the custodians of original ACRs and, as such, are under a legal obligation to consider the petitioner's claim expeditiously and without any undue delay.

Writ petition is, therefore, disposed of with a direction to the respondent-authorities to take a final decision in accordance with law on the claim of the petitioner after considering the ACRs for the relevant years expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order.

(Madhuresh Prasad, J)

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