

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12147 of 2014

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Birendra Prasad Singh Son of Late Gajadhar Singh resident of Village-
Firozpur, P.O- Dhorlahi Kaithal, P.S- Amnour, District- Chapra.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Superintending Engineer, Building Construction Department, Building Circle, Ara.
3. The Divisional Commissioner, Patna Division, Patna.
4. The Regional Development Officer, Patna Division, Patna.
5. Executive Engineer, Building Division, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Chandan Jha
For the Respondent/s : Mr.Vivek Prasad GP 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-04-2019

Writ petition has been filed for quashing of order dated 05.07.2013 issued by the learned Commissioner, Patna wherein he has held that petitioner's time bound promotion was replaced by Assured Career Progression. Issue which remains is whether benefit under ACP has been granted to the petitioner or not.

Counter affidavit has been filed by the respondents- State. It is the specific stand of the respondents that the petitioner was entitled and was granted first ACP in the pay scale of Rs 5000-8000/- with effect from 1999. Benefit on account of 2nd ACP to which the petitioner became entitled on 01.02.2005 in the pay scale of Rs 5500-9000/- was not granted to the petitioner because



in the meantime, he was promoted to the post of head clerk. Petitioner thereafter, had been granted grade pay of Rs 4800/- on completion of 30 years with effect from 01.02.2011 which is also apparent from annexure 12. Annexure 12 explicitly recognizes the petitioner's entitlement to grade pay of Rs 4800/- by virtue of being retired as head clerk.

Since benefit of post of head clerk had been granted to the petitioner, stand of the respondents is that he could not be granted second ACP in the light of the fact that he had been granted regular promotion. No case for interference is made out.

Writ petition is disposed off.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	NA
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