

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13082 of 2014

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Diwakar Prasad Sharma S/o late Ramakant Sharma resident of Purbi Mahavir Colony Painpar P.S. Beur, District Patna.

... .. Petitioner

Versus

1. The State Of Bihar through Secretary, Minor Irrigation Department, Bihar, Patna
2. Deputy Secretary, Minor Irrigation Department, Bihar, Patna.
3. Chief Engineer, Minor Irrigation Department, Bihar, Patna.
4. Superintending Engineer, Minor Irrigation Department, Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Uma Kant Tiwary
For the Respondent/s	:	Mr.Raghwanand Gal1
		Mr. Rajan, AC to GA 11

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2019 Petitioner's claim for second ACP and third MACP was considered by the Screening Committee on 2.6.2009. Having regard to the fact that during service tenure the petitioner has been granted two higher pay scales and one promotion, the Screening Committee had recommended that no benefit on account of ACP is payable to the petitioner. Recommendation has been forwarded to the Superintending Engineer, Minor Irrigation Circle, Patna for resolving the issue at his end.

Mr. Mishra would rely upon the provisions contained in Clause (4) of the ACP Rules 2003 to submit that in view of his stagnation on the post of Blue Printer since 20.3.1989 to



31.1.2012, even if the past service is ignored, he would be entitled to progression under the ACP Scheme.

Since the decision of the Superintending Engineer as per recommendation dated 2.6.2009 is still awaited as the same has not been placed on record either by the petitioner or the State in its Counter affidavit, he submits that interest of the petitioner would be served by raising his claim before the Superintending Engineer. Minor Irrigation Circle Patna, respondent No. 4.

In the even such a claim is made within a period of four weeks from today, respondent No. 4 should take a decision on the same in accordance with law by a reasons and speaking order and dues, if found admissible, along with consequential benefits should be directed to be paid to the petitioner within a period of three months thereafter.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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