

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 13560 of 2014

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Ram Lotan Sah son of late Raghunath Sah resident of village - Kiratpur Raja
Ram, P.O. and P.S. Bhagwanpur, District - Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Engineer-in-Chief, Public Works Department, Government of Bihar, Patna
2. Chief Engineer, Public Works Department, Government of Bihar, Patna
3. Superintending Engineer, Public Health, Mechanical Division, Bhagalpur
4. Executive Engineer, Public Health, Mechanical Division, Munger
5. Sub - Divisional Officer, Public Health Mechanical Division, Munger
6. Accountant General, Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Madan Jeet Kumar, Advocate
For the S t a t e	:	Mr Amit Bhushan, AC to GP XVII
For the A G	:	Mr Raghwanand, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 23-07-2019 Heard learned counsel for the petitioner and the respondent-State.

Petitioner had moved this Court in the instant proceedings for grant of benefit under the Assured Progression Scheme (for brevity, ACP).

Counter affidavit of the State discloses that petitioner has been granted three promotions during his service.

As a result, the petitioner's counsel fairly submits that now the issue is confined to correction/revision of his scale granted pursuant to Second ACP. He submits that the second



ACP has been granted in the pay scale of Rs 3050 – 4590 whereas the third progression granted to the petitioner earlier was also in the same scale and, as such, revision is required. In respect of the said claim, he submits that he would be approaching the Executive Engineer, Public Health Mechanical Division, Munger (respondent No 4).

In view of such submission, since decision is to be taken by respondent No 4, pendency of the instant proceedings would be futile.

Writ petition is disposed of with liberty to the petitioner to avail of his remedy before respondent No 4.

In case representation is filed within four weeks, an informed and reasoned decision in accordance with law should be taken by respondent No 4 and communicated to the petitioner within a period of three months thereafter.

(Madhuresh Prasad, J)

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