

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14341 of 2014

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Gautam Prasad Son of Late Gaya Prasad Resident of village - Goal Bigha,
P.S. Police Line Road, P.S. Rampur, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. Finance Commissioner, Finance Department Old Secretariat, Bailey Road, Patna
3. Press and Firm Superintendent, Gaya
4. The Director Finance Department Old Secretariat, Bailey Road, Patna
5. The District Magistrate, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binoy Kumar Sinha-1
For the Respondent/s : Mr.Mujitabul Haque, GP 12
Mr. Vasant Vikash, AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-08-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Upon his appointment on compassionate ground on 11.08.1989, it is submitted by counsel for the petitioner that he has not been granted benefit of second and third progression under ACP scheme.

First progression scheme was granted on 18.11.2001 in the pay scale of Rs. 2610-4000/-.

Counter affidavit discloses that the petitioner was granted promotion in grade III post. The same was without approval of the competent authority. In view of such regular



promotion, he has not been considered for second and third ACP. Further stand is that promotion granted to the petitioner in grade III has been withdrawn long back.

Petitioner, as a result, continued to serve on class IV post with effect from 11.08.1989.

In the circumstance, respondents-authorities should consider benefit under ACP scheme admissible to the petitioner.

Counsel for the petitioner submits that he would be making application before respondent no.5 (District Magistrate, Gaya) to facilitate consideration.

In view of such submission, writ petition is disposed of with liberty to the petitioner to make his application within four weeks.

Respondent no.5 shall pass reasoned and speaking order on the claim of the petitioner in accordance with law within the period of eight weeks thereafter.

(Madhuresh Prasad, J)

s.hassan/-

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