

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7599 of 2019

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Krishna Dev Singh, Son of Late Suraj Dev Singh R/o Village-Sirh Chundi Chak, P.S.-Atari, District-Gaya at present residing behind House No. B/70, Harmu Housing Colony, P.S.-Argora, District-Ranchi (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Water Resources Department, Bihar, Patna
2. Principal Secretary Water Resources Department, Bihar, Patna
3. Chief Engineer Irrigation Creation, Water Resources Department, Muzaffarpur
4. Executive Engineer Head Works Division, Valmikinagar, West Champaran
5. Accountant General Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Respondent/s : Mr. Vinay Kirti Singh (GA-2)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 08-05-2019

1. Heard the learned counsel for the petitioner and the State.

2. The petitioner seeks a direction to the respondent/authorities for giving him the benefit of 1st and 2nd A.C.P. w.e.f. 09.08.1999 on completion of his regular service



of 12 years and 24 years respectively and make available to him all the monetary benefits including the revision of pension.

3. It is the case of the petitioner that he was appointed as a Treasury Guard provisionally in the year 1974 and his services were confirmed in the year 1977 on the post of Junior Accounts Clerk. During the tenure of his service, the petitioner passed Hindi Noting and Drafting Examination and in the year 1980, he was promoted to the post of Senior Accounts Clerk. However, the petitioner was not successful in the examination in which he appeared in the year 1998. In the same year, the post was re-nomenclatured as Accounts Clerk and the distinction between Junior and Senior Accounts Clerk was done away with. The petitioner was communicated by the Executive Engineer, Water Resources Department, Muzaffarpur that he would not be eligible for the benefits under the A.C.P. Scheme of 2003 because of his not having passed the departmental examination.

4. Learned counsel for the petitioner submits that till the time the petitioner superannuated, there was no cadre rules and in the absence of any promotional avenue, there was



no requirement of the petitioner to pass the departmental accounts examination as contemplated under Rule 156/157 of the Bihar Board's Miscellaneous Rules, 1958.

5. The counter affidavit, which is on record, does not address the aforesaid argument. However, the oral submission of the petitioner regarding absence of any cadre rules has not been penned down in the writ petition.

6. Under the aforesaid facts and circumstances, this Court directs the petitioner to make a representation before the Chief Engineer, Water Resources Department, Muzaffarpur (Respondent No. 3) within a period of four weeks from today, who on receipt of the same shall, (i) after verifying the records;(ii) assessing the correctness of the averments made on behalf of the petitioner before this Court; and (iii) taking into account that other similarly situated persons have been accorded the benefit of the A.C.P. Scheme of 2003, pass necessary orders in accordance with law, within a further period of six weeks, thereafter.

7. Needless to state that any order granting benefit of A.C.P. shall be passed only after verifying the records



whether any promotional avenue was available to the petitioner
and in that event whether he had become eligible for such
promotion.

8. With the aforesaid observation / direction, this
petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	09.05.2019
Transmission Date	

