

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6975 of 2019

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Binod Kumar Srivastava S/o Late Shiv Shankar Prasad R/o - At-
Raghunathpur, P.O.- Motihari, P.S.- Turkolia, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Water Resources Department, Government of Bihar, Patna.
3. The Chief Engineer Water Resources Department, Motihari, East Champaran.
4. The Executive Engineer Tirhut Canal Division, Dhaka, East Champaran.
5. The Accountant General A and E Bihar, Birchand Patel Path, Patna.1

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Sinha
For the Respondent/s : Mr. Harish Kumar (GP-8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 26-04-2019 1.Heard the learned counsel for the petitioner and

the State.

2. The petitioner seeks a direction to the concerned

respondents for payment of 1st and 2nd A.C.P. upon his

completing 12 and 24 years of service w.e.f. 09.08.1999

and for payment of M.A.C.P. along with grade pay of Rs.

4800/- w.e.f. 01.01.2009.

3. It has been submitted on behalf of the petitioner

that he was absorbed as Accounts Clerk in the year 1983

and was attached to the office of Executive Engineer,



Gandak Canal Division No. 1, Motihari. The petitioner superannuated from service after having served 42 years on 30.04.2018 from the office of Executive Engineer, Tirhut Canal Division, Dhaka, East Champaran. During the tenure of the service of the petitioner, the scheme of time-bound-promotion was replaced with A.C.P. Rules of 2003, which was made effective from 09.08.1999.

4. Under the aforesaid Rules, the petitioner would have been entitled to the 1st A.C.P. on the completion of 12 years of his service and the 2nd one on completion of 24 years. Since the Scheme of A.C.P. was made effective from 09.08.1999, so by that time, the petitioner had completed 24 years of service and the benefit of M.A.C.P. would be admissible to the petitioner from 01.01.2009.

5. Learned counsel for the petitioner has drawn the attention of this Court to various judgements rendered by different Benches of this Court holding that in the absence of any promotional rules, such benefits cannot be denied to a person to whom such dues are admissible.

6. The petitioner, under the aforesaid



circumstances, is directed to make a representation before the Chief Engineer, Water Resources Department, Motihari, East Champaran (Respondent No. 3), within a period of four weeks, who, on receipt of the same, shall pass a reasoned order within a further period of six weeks thereafter.

7. If the claim of the petitioner is tenable, necessary sequel order shall be passed within the aforesaid period.

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

(Ashutosh Kumar, J)

skm/-

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