

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8985 of 2019

Binod Kumar Ranjan, aged about 52 years (Male), Son of Late Amarnath Roy
R/o Village and P.O.-Shivkund, P.S.-Dharahra, District-Munger, at present
posted as Executive Engineer, Local Area Engineering Organization, Work
Division, Supaul, District-Supaul.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Water Resources
Department, Government of Bihar, Patna
2. The Principal Secretary Department of Water Resources, Government of
Bihar, Patna
3. The Engineer-in-Chief Irrigation Creation, Water Resources Department,
Government of Bihar, Patna
4. The Chief Engineer Irrigation Creation, Water Resources Department,
Nalanda at Biharsharif
5. The Superintendent Engineer Irrigation Circle, Water Resources
Department, Nalanda at Biharsharif
6. The Executive Engineer Irrigation Division, Jehanabad, District-Jehanabad

... .. Respondent/s

Appearance :

For th Petitioner/s : Mr.Amrit Abhijat, Advocate
For the Respondent/s : Mr. Vijay Kumar Verma, AC to GA2

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-06-2019 The petitioner in the present case is seeking a writ of

mandamus directing respondent no. 6 to make payment of

arrears of enhanced payment of salary on account of grant of

first Assured Career Progression (in short the 'A.C.P.') due

from 01.09.2007 and the benefits of second A.C.P. as also the

payment of House Rent Allowance (in short the 'H.R.A.') for

the period June 2017 to June 2018 while he was posted as

Assistant Engineer-cum-Sub-Divisional Officer, Irrigation Sub-

Division No.5, Ghoshi, District – Jehanabad.



Learned counsel for the petitioner submits that the petitioner is presently posted as Executive Engineer, Local Area Engineering Organization, Work Division, Supaul w.e.f. 01.07.2018. He was granted his first A.C.P. w.e.f. 01.09.2007 and second A.C.P. w.e.f. 01.09.2015 vide Notification as contained in Annexure '1' to the writ application. Learned counsel has relied upon Notification as contained in Annexure '1' series in which the name of petitioner appears at serial no. 5 and 41 respectively.

It is submitted that the petitioner has been paid his revised salary w.e.f. January 2018 after addition of the amount accruing on account of second A.C.Ps., but the arrears of salary on account of first and second A.C.Ps. have not been made available to the petitioner. The reason for non-payment is the non-availability of funds as indicated in the letter dated 01.02.2019 as contained in Annexure '2' to the writ application. Similarly the H.R.A. for the given period has not been paid to the petitioner despite direction issued by the Chief Engineer, Irrigation Creation, Water Resources Department, Nalanda (Biharsharif) directing the Executive Engineer, Irrigation Division, Jehanabad to consider and make payment of the outstanding H.R.A. payable to the petitioner. In this regard, the



petitioner has filed a detailed representation on 29.11.2018 as contained in Annexure '4' to the writ application, but nothing has been done thereon.

Learned counsel for the State is present and submits that the representation of the petitioner shall be looked into and appropriate action will be taken to make payment of the admitted dues of the petitioner within a reasonable time.

In the given facts and circumstances of the case, this court directs respondent no. 2 i.e. Principal Secretary, Department of Water Resources, Government of Bihar, Patna as also to the Executive Engineer, Irrigation Division, Jehanabad (respondent no. 6) to look into the request of the petitioner as contained in Annexure '4' to the writ application and take an appropriate decision thereon including to make payment of the admitted amount to the petitioner, if the petitioner has been found entitled to his first and second A.C.Ps. and the H.R.A.

Let the entire consideration be given within a period of two months from the date of receipt/production of a copy of this order.

The amount due to the petitioner allegedly on account of first and second A.C.Ps. which has not been paid citing lack of allotment must be paid within the aforesaid period and the



ground that no allotment of funds has been made shall not be available to the State respondents for not making payment to the said benefits to the petitioner.

This writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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