

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 2805 of 2016

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Kailash Prasad Singh, S/o Late Mangar Prasad Singh, resident of Village +
P.O. - Biratpur, P.S. - Sonbarsa, District - Saharsa.

... .. Petitioner/s

Versus

1. The State Of Bihar through its Chief Secretary, Bihar, Patna
2. Principal Secretary, Land Reforms Department, Patna.
3. Director, Survey and Settlement, Bihar, Patna.
4. Commissioner, Bhagalpur.
5. Collector, Bhagalpur.
6. Settlement Officer, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : M/s Mallika Mazumdar, Ankur Prakash Sinha,
Rajeev Ranjan, Advocates
For the Respondent/s : Mr Gyan Prakash Ojha, GP 22

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-03-2019 Heard learned counsel for the petitioner and the
respondent-State.

The claim in the writ petition is for grant of first and
second Assured Career Progression (for brevity, *ACP*) benefits
to the petitioner.

With respect to benefits on account of first ACP, the
specific stand of the State in the counter affidavit is that
petitioner was actually promoted as Head Draughtsman on
31.12.1988. It is also the case of the respondent-authorities that
undue financial benefit in the scale of Rs 4,500 – 7,000/- was



given to the petitioner with effect from 01.01.1996 instead of the same being granted on 31.12.1998, when it became due.

The stand of the State with regard to the benefits of the second ACP is that the claim has been forwarded on the prescribed form to the Director, Land Records and Measurement, Bihar, Patna and a reminder has also been sent to the said Authority for considering grant of benefits to the petitioner on account of second ACP.

The communication referred to in the counter affidavit is of the year, 2017. The parties are not in a position to inform this Court what has been the fate of the exercise initiated under Annexures C and D of the counter affidavit.

In the circumstances, this Court would direct the Authority to ensure that final decision on the petitioner's claim in light of their own communication dated 12.09.2016 and reminder dated 14.12.2017 is taken expeditiously and preferably within three months from the date of receipt/production of a copy of this order. Within the same time, it is expected that the due and admissible benefits on account of second ACP would be paid to the petitioner.

The issue raised by State respondents regarding grant of undue scale from 01.01.1996 to 31.12.1998 need not be



considered for the moment since nothing has been placed on record regarding any action for recovery having been initiated.

No rejoinder or reply has been filed by petitioner denying or disputing the stand of the State. Therefore, no further order needs to be passed in the instant proceedings.

Writ petition is disposed of with the aforesaid observations and directions.

(Madhuresh Prasad, J)

M.E.H./-

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