

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4584 of 2015

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Lakshmi Narayan son of Late Dukhi Sao Resident of Mohalla - Gewal Bigha,
Police Line Road, P.S. Rampur, District - Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Joint Secretary Press , Finance Department, Govt. of Bihar, Patna
3. The Director - Cum - Deputy Secretary, Printing Stationery, Finance Department, Government of Bihar
4. The Superintendent, Press Govt. of Bihar at Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Respondent/s : Mr. Manoj Kr. Sinha, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
\ ORAL JUDGMENT

Date : 19-04-2019

Heard counsel for the petitioner and counsel for the respondents.

Petitioner has sought quashing of order dated 7.6.2012 and communication dated 6.7.2013 whereby petitioner's claim for grant of Assured Career Progression (ACP) was determined by the authority. He has also sought direction upon the respondents to pay 20% officiating allowance with effect from 01.01.1997 to 31.01.2002 for which he had performed duty of clerk in addition to his original work of packer on which post he was substantially working. Insofar as claim of 20% additional pay is concerned, specific stand of the respondents in the counter affidavit is that



petitioner had not discharged any additional duty of the clerk on the basis of any valid order. Claim for 20% officiating allowance in opinion of this court, in absence of any valid order is without any basis and unacceptable.

Issue regarding determination of the benefit under ACP, respondents have placed on record the decision dated 3.10.2013 whereby all benefits under ACP granted to the petitioner had been withdrawn having regard to the fact that he had been granted two earlier promotions. It is the specific case of the respondents in the counter affidavit that though copy of the same had been handed over to the petitioner, same has not been challenged by the petitioner in these proceedings.

These are undisputed facts inasmuch as no rejoinder or reply has been filed by the petitioner, though copy was served long back in the month of January, 2016. Even in the instant proceeding in spite of order dated 3.10.2013 being placed on record by way of counter affidavit, there is no prayer for amending the prayer. There is no challenge to the said order.

In the said circumstance, the writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	NAFR
CAV DATE	NA



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