

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.477 of 2018

In
Civil Writ Jurisdiction Case No.12780 of 2017

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1. The State of Bihar through the Principal Secretary, Department of Finance, Main Secretariat, Patna.
 2. Principal Secretary, Road Construction Department, Government of Bihar, Visheshwariya Bhawan, Bailey Road, Patna.
 3. The Superintending Engineer, Saran Road Circle, Road Construction Department, Hajipur.
 4. The Executive Engineer, Road Division, Road Construction Department, Chapra (Saran).

...Respondents ... Petitioner/s

Versus

1. Jay Prakash Shrivastava, son of Late Upendra Kumar Sinha, Resident of Village- Safiyabad, P.S.- Baikunthpur, District- Gopalganj,
2. Kameshwar Prasad Yadav, son of Late Lakshman Prasad Yadav, resident of Village- Bara Telpta, P.S. Chapra Town, District- Saran.

... Petitioners ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, AC to GA- 13
For the Opposite Party/s : Mr. Kishore Kumar Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL JUDGMENT

Date : 03-04-2019

Heard the parties.

This civil review application is filed seeking review of the judgment and order dated 04.01.2018 passed on CWJC No.12780 of 2017 as according to the respondent-State and its authorities who are petitioners in this civil review application, the relief granted to the writ petitioners for the benefits under the Assured Career Progression Rules, 2003 (hereinafter referred to as the 'ACP Rules, 2003') cannot be extended to the writ petitioners who did not complete 12 years of regular service until such Rules got replaced by the Modified Assured



Career Progression Scheme, 2010 (hereinafter referred to as the 'MACP Rules, 2010').

It is thus canvassed that even if the writ petitioners would be entitled for the benefits under the 'MACP' but for want of completed year of regular service, the benefit of 'ACP' cannot be extended.

In my considered opinion, since all that this Court held in the judgment under review is, that the writ petitioners cannot be discriminated against, for consideration of such benefits on the nature of their appointment etc, it is for the State to decide whether the writ petitioners who are opposite parties herein, are covered under the 'ACP Rules, 2003' or the 'MACP Rules, 2010' or both and pass appropriate orders in accordance with law, as directed in the order passed on the writ petition.

The issue decided requires no further clarification. With the observation above, the civil review application stands disposed of.

(Jyoti Saran, J)

skpathak/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

