

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13366 of 2006

Harendra Prasad Singh son of Sri Nageshwar Singh Resident of village-Askarnpur, P.O.Boraia, District- Vaishali, Presently working as a Accounts Clerk, Tirhut Canal Division No.1, Gandak Project, Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar.
2. The Commissioner-cum-Secretary, Water Resources Department, Sichai Bhawan, Govt. of Bihar, Patna.
3. The Engineer in Chief, North ,Sichai Bhawan, Govt. of Bihar, Patna.
4. The Chief Engineer, Water Resources Department, Muzaffarpur.
5. The Superintending Engineer, Water Resources Department, Muzaffarpur.
6. The Executive Engineer, Tirhut Canal Division-I, Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Singh, Advocate
For the Respondent/s : Mr.Niraj Kumar AC to GA-10

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 15-11-2019

Heard learned counsel for the petitioner and
learned counsel for respondent-State.

2. It is pointed out by the learned State Counsel that the petitioner's claim for time bound progression was rejected by Chief Engineer, Water Resources Department, Muzaffarpur (respondent No.4) under communication dated 10.05.2006 (Annexure R/3 to the counter affidavit). The same was very much in existence when the petitioner had filed the writ petition in November, 2006.

3. The petitioner's counsel submits that till



filing of writ petition, he had no knowledge of the said order rejecting the petitioner's claim for benefits under the Assured Career Progression Scheme (for brevity 'ACP').

4. The records reveal that copy of the counter affidavit enclosing the order dated 10.05.2006 was served on the petitioner's counsel in January, 2007. Neither a response/rejoinder has been filed nor the order has been challenged till date. Faced with such difficulty, the petitioner's counsel submits that at least he should be allowed liberty to assail the same, if the petitioner so desires.

5. In view of the aforesaid submissions, the writ petition is dismissed. The petitioner, however, would be at liberty to assail the order dated 10.05. 2006 in accordance with law.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
CAV DATE	N/A
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