

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13280 of 2019

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Sampoorna Nand Tiwari Son of Late Chandra Shekhar Tiwari Resident of Chiriya Bazar, Sonapur, Police Station- Sonapur, District- Saran, Presently posted as Lecturer, Rajkiya Ayurvedic College, Kadamkuan, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Family Welfare and Health, Government of Bihar, Patna.
2. The Principal Secretary, Department of Family Welfare and Health, Government of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
4. The Additional Secretary, Department of Family Welfare and Health, Government of Bihar, Patna.
5. The Under Secretary, Department of Family Welfare and Health, Government of Bihar, Patna.
6. The Accountant General, Bihar, Beerchand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar
For the Respondent/s : Mr. Aditya Nath Jha (Sc18)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 04-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present case is
denial of actual payment notwithstanding grant of ACP.

Learned counsel for the petitioner would submit that
petitioner was granted ACP with effect from 1.1.2009. However,
the financial benefit of such promotion was only made available
to the petitioner with effect from 3.2.2010. The reason behind
notional grant is that petitioner was at the relevant time on study



leave.

Learned counsel submits that petitioner was granted study leave to pursue his qualification of M.D. (Ayurved) under the Central Medical Quota and the State Government granted half pay for the period of study leave.

Since the petitioner was on study leave for improvement of qualification for better discharge of the responsibility and as such the petitioner could not suffer in the matter of grant of monetary benefit of ACP. There is no dispute that study leave was sanctioned and notional ACP was granted with effect from 1.1.2009.

Under the aforesaid circumstances, the writ petition is disposed of with direction to the respondents to consider the case of the petitioner for grant of monetary benefit, if petitioner was granted half salary then at least he is entitled to half monetary benefit of ACP for the petitioner he was on study leave with half pay.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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