

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14552 of 2019

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Baidyanath Mahto, Son of Late Mushi Mahto, Resident of Village- - Sahtha,
P.O.- Sahtha, P.S.- Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Urban Development and Housing Department, Bihar, Patna.
2. The Principal Secretary, Finance Department, Government of Bihar, Patna.
3. The Director, Municipality Administration- cum-Special Secretary, Urban Development and Housing Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar
For the Respondent/s : Mr. Kinkar Kumar (SC9)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 23-07-2019 Heard the learned counsel for the petitioner and

the State.

The petitioner has challenged the order dated 09.01.2019, contained in Memo No. 89, passed by the Director, Municipality Administration-cum-Special Secretary, Urban Development and Housing Department, Government of Bihar, Patna, whereby the claim of the petitioner for being paid the benefits of A.C.P. Scheme has been rejected on the ground that he has retired from the Clerical Cadre for which the A.C.P. Rules of 2003 is not applicable.

Learned counsel for the petitioner submits that the



aforesaid ground for rejecting the claim of the petitioner is absolutely erroneous and the order is unsustainable in the eyes of law.

Another prayer which has been made in this petition is for a direction to the Principal Secretary, Urban Development and Housing Department, Bihar, Patna to pass an order on the representation preferred by the petitioner on 06.03.2019 against the order passed on 09.01.2019, referred to above.

It has been submitted on behalf of the petitioner that he joined the service as Accounts Clerk in the year 1981 and after serving for several years, superannuated from the post of Assistant, Urban Development and Housing Department, Bihar, Patna in the year 2014.

It has been submitted that the Finance Department, Government of Bihar has passed a resolution in the year 2006, entitling all the persons of the Clerical Cadre for being given the benefits of A.C.P. Scheme with effect from a particular date in the revised pay-scale of 6th Pay Commission Report.



Based on the aforesaid resolution as well as the fact that other similarly situated persons have been made available the benefits of the aforesaid Scheme, the petitioner made an application before the Principal Secretary, Urban Development and Housing Department, Bihar, Patna for redressal of his grievances.

The aforesaid representation was sent to the Finance Department, which approved the claim of the petitioner by declaring that the benefits of the A.C.P. Scheme have been extended to the Clerical Cadre also but left the matter to be decided by the Department. The Department has, by the order impugned, rejected the claim of the petitioner on an erroneous ground, as has been stated earlier in the order.

A representation against the aforesaid order has been filed before the Principal Secretary, Urban Development and Housing Department, Bihar, Patna, but the same has not yet been disposed off.

This Court, under the aforesaid circumstances, directs the Principal Secretary, Urban Development and



Housing Department, Bihar, Patna (Respondent No. 1) to dispose off such representation and pass a reasoned order in accordance with law, within a period of eight weeks from the date of production/communication of a copy of this order.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

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