

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17789 of 2019

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Bir Prakash Singh, son of late Haribansh Narayan Singh, resident of village
Kharika, P.S.- Biddupur, Distt.- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. D. G. of Police, Bihar, Patna
3. A.D.G. Head Quarter Bihar, Patna
4. S.S.P. Patna
5. S. P. Kishanganj

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Smt. Shurti Sinha, Advocate Mr. Ebrahim Kabir, Advocate
For the State	:	Mr. Suman Kumar Jha, A.C. to AAG-3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date : 24-10-2019

Heard learned counsel for the parties.

2. The petitioner claims that though he was entitled to grant of 1st Assured Career Progression after completion of ten years of service with effect from 10.09.2004, the same has been allowed with effect from 05.12.2011. It is his specific case that he had completed ten years of service as on 10.09.2004 and there was no material against him, based on which his claim of grant of ACP with effect from 10.09.2004 could have been denied.

3. A counter affidavit has been filed on behalf of the Respondent State of Bihar sworn by the Deputy Superintendent of Police, Kishanganj, stating therein that because of the adverse effect of



a departmental action taken against the petitioner, he was not allowed benefit of 1st ACP with effect from 10.09.2004.

4. There is no clear statement in the counter affidavit that there was any adverse material against the petitioner before he became entitled to grant of Assured Career Progression as on 10.09.2004, which could have deprived him of his right to such benefit.

5. In the facts and circumstances of the case, this writ application is disposed of with a direction that let Sr. Superintendent of Police, Patna, reconsider the petitioner's case for grant of ACP from the date as claimed by him. If it is found that there was no disciplinary proceeding initiated against him before the date, with effect from which, he became entitled to grant of 1st ACP, the same will have to be granted. The decision must be taken within three months from the date of receipt/production of a copy of this order.

6. The petitioner's case for consequential benefits in terms of grant of second ACP shall also be considered accordingly, in accordance with law.

7. This writ application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

S.Ali/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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