

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9620 of 2019

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Jay Prakash Paswan S/o Late Mahavir Paswan R/o Village- Rajapur Indaul,
P.O.- Nemdarganj, P.S.- Akbarpur, District- Nawada. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Govt. of Bihar, Patna.
3. The Engineer-in-Chief, Rural Works Department, Govt. of Bihar, Patna.
4. The Chief Engineer-I Rural Works Department, Govt. of Bihar, Patna.
5. The Superintending Engineer, Rural Works Department, Work Circle, Ara.
6. The Superintending Engineer, Rural Works Department, Work Circle, Sasaram.
7. The Executive Engineer, Rural Works Department, Work Division, Ara.
8. The District Account Officer, Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bibhakar Tiwary

For the Respondent/s : Mr.Archana Meenakshee (Gp2)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 05-10-2020 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

2. Petitioner has approached this Court for a direction to the respondents to consider the case of the petitioner for grant of the benefit of 3rd ACP under the Modified Career Progression Scheme.

3. Learned counsel appearing on behalf of the petitioner submits that the petitioner is entitled to the grade pay of Rs. 2800.

4. In the counter affidavit stand has been taken by the respondents that the petitioner was initially appointed as Khalashi. Later on, he was promoted to the post of driver and as



the driver he was granted two career advancements and as such he is not entitled to 3rd ACP in the grade of driver.

5. Considering the aforesaid, the writ petition is disposed of with a direction to the respondents to provide calculation chart to the petitioner with regard to fixation of pay and pension and if the petitioner has any grievance with regard to fixation and not on the issue of grant of 3rd ACP and the grade pay, the respondents shall examine the same and pass appropriate reasoned and speaking order within a period of two months from the date of receipt/production of a copy of this order.

6. It is made clear that a person is entitled to ACP on account of non availability of promotional avenue, since the petitioner was promoted to the post of driver, he was only entitled to two career advancements after regular promotion which according to the respondents the petitioner has been granted.

7. With the liberty aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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