

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 8026 of 2017

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Ramakant Rai Son of Late Yaduvendra Rai, Resident of Village- Shasan, P.S.-
Hasanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State Of Bihar through Director, Directorate of Provident Fund, Patna, Bihar
2. The Joint Commissioner (Accountants Administration), Directorate of Provident Fund, Patna, Bihar.
3. The Deputy Director, Directorate of Provident Fund, Patna, Bihar.
4. The District Provident Fund Officer, Khagariya, Bihar.
5. The Accountant- General (P & E), Bihar, Patna.
6. The Principal Secretary, Department of Finance, Government of Bihar, Patna.
7. Principal Secretary, Water Resources Department, Government of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr Sudhanshu Kumar Lal, Mr Pritish Kumar Lal, Advocates
For the Respondent/s	:	Mr Shailendra Kumar, AC to PAAG II
For the Accountant General	:	Mr Prabhat Ranjan, Advocate

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

6 18-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, State and the



Accountant General.

The petitioner has a chequered service history. It is his case that he was serving in the Tube Well Division as a Chain Man since 10.06.1971. He claims that there he was made a Muharrir on 04.04.1973 and worked as Lower Division Clerk since 19.05.1979. The other relevant date is that the petitioner was transferred to the Provident Fund Directorate on 18.10.1986 when he was absorbed in service.

The writ petition, in the said factual background, claims payment of salary for the period 04.08.2008 to 03.10.2008, i e, a period during which petitioner was under suspension. Further, claim is for fixation of salary for the period 10.06.1971 to 04.04.1973, i e, the period he claims to have worked under the Tube Well Division.

Petitioner has also prayed for grant of Assured Career Progression (for brevity, ACP) along with difference of salary arising out of grant of the said benefit.

In light of earlier orders passed, in the instant proceedings, a supplementary counter affidavit has been filed by the Provident Fund Directorate. The specific stand in the counter affidavit is that the petitioner was exempted from passing the Departmental Accounts Examination by the



Director's letter dated 22.12.2017 bearing Memo No 5620 (Annexure B). The ACP, due and admissible to the petitioner; bonus amounting to Rs 1,686/- on GPF admissible at the rate of 1% have also been given to the petitioner on 16.11.2018.

The learned counsel for the petitioner submits that in spite of the said grievances being redressed, the claim for second ACP still stands as the same has been denied by the respondents. It is his submission that there are claims in respect of arrears of salary also for the period 10.06.1971 to 04.04.1973.

The petitioner, therefore, proposes to assail the office order dated 26.11.2018 bearing Memo No 4888 in so far as it has rejected the petitioner's claim for benefit of second ACP. He further submits that in respect of his claim for salary for service rendered under the Project, Water Resources Department, he would be raising his grievance before the Authorities along with details of work performed there before the Authority concerned.

With liberty as aforesaid, writ petition stands disposed of.

(Madhuresh Prasad, J)

M.E.H./-

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