

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 22454 of 2019

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Ramchandra Prasad Son of late Shri Dular Prasad Singh, Resident of
Mohalla- Indrapuri, Road No. 01, Police Station- Patliputra , District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Director, Agriculture, Bihar, Patna.
3. The Deputy Director, Agriculture, Engineering Work Shop, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Dhananjay Kumar, Advocate
For the Respondent/s : Ms Shalini Raut, AC to SC XVII

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 20-01-2020

Heard learned counsel for the petitioner and the
respondent-State.

2 It is the petitioner's case that he had discharged the
duties of Accountant between 01.01.1996 to 17.01.1999. The
petitioner, in the instant proceedings, has prayed for issuance of
appropriate order to make payment of the dues on account of
benefits under Assured Career Progression (for brevity, *ACP*)
Scheme which have been granted to the petitioner with effect from
09.08.1999 in view of order of the Agriculture Department dated
09.12.2009, for the period 01.01.1996 to 17.01.1999 during which



he had served on the higher post of Accountant, his initial post being that of Clerk.

3 Certain dues have been found recoverable from the petitioner as during the said period, he had been paid the salary for the post of Accountant though there was no Notification promoting him as Accountant. Entitlement of the petitioner, thus, has to be worked out in terms of the order dated 09.12.2009, of the Agriculture Department which is being relied upon by the petitioner.

4 Learned counsel for the petitioner has submitted that the petitioner should also be paid interest on the amounts found admissible since for the last 10 years, the Authorities, in spite of the order of the Agriculture Department dated 09.12.2009, had not made the payment to the petitioner. The submission is that the petitioner cannot be made to suffer for the delay on the part of the Authorities in working out entitlement of the petitioner.

5 Such submission has also to be viewed from the fact that before filing the instant writ petition in the year, 2019 and after issuance of the order dated 09.12.2009, there is nothing on record to show that the petitioner, in the meantime, has ever raised his claim before the Authorities in respect of the said order. The Court, therefore, is not inclined to grant interest to the petitioner



for the period as he has also not brought on record any document to show that prior to filing of the instant writ petition, he had pursued the Authorities for grant of benefits under the said order.

6 Writ petition is disposed of.

7 The Authorities should dispose of the claim of the petitioner in light of the order dated 09.12.2009.

8 Respondent No 2 shall work out the entitlement in light of the order dated 09.12.2009 and dues, found admissible, be paid to the petitioner within a period of four weeks from the date of receipt/production of a copy of this order failing which the petitioner would be entitled to interest on the dues at bank rates.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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