

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5731 of 2020

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Bajinath Prasad Son of Late Yamuna Prasad, Residence of Village Thakuwari
Motihari, Near (Chitragupta Ashathan) P.S. Chhatouni District East Champaran
Pin 845401

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Minor Irrigation Department,
Bihar Patna.
2. The Deputy Secretary Minor Irrigation Department, Patna.
3. Irrigation in Chief Minor Irrigation Department, Patna.
4. The Chief Engineer Minor Irrigation Department, Gandak Colony
Muzaffarpur
5. The Superintending Engineer Minor Irrigation Department, Combined
Building Muzaffarpur.
6. The Executive Engineer Minor Irrigation Department, Motihari Division,
Motihari, East Champaran.
7. The Assistant Engineer Minor Irrigation Motihari Sub Division Motihari,
East Champaran.
8. The Junior Engineer Minor Irrigation Motihari Sub Division East
Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satish Kumar Sinha
For the Respondent/s : Mr.Chitranjan Sinha (Paag2)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

“A. A writ in the nature of
mandamus or any other appropriate writ,
order’/s, commanding the respondents for
quashing the following:-

- (i) To grant 1st ACP and 2nd ACP
to the petitioner since
1-1-1999 & 3rd ACP since
2009 to the petitioner
forthwith.
- (ii) To grant penal interest to the
dues of the petitioner.



B. To any other relief/reliefs for which petitioner is entitled too.”

3. Perusal of the counter statement, it is evident that the petitioner has been extended first ACP. At the same time, it is stated that petitioner is not entitled to second and third ACP in view of certain circulars which are hurdle to the petitioner's grievance. If it is so, the concerned respondent should have issued a speaking order as to why petitioner is not entitled to second and third ACP as claimed by him.

4. In the light of these facts and circumstances, 4th respondent is hereby directed to pass a speaking order and communicate the same to the petitioner within a period of one month from the date of receipt of this order. If the petitioner is, otherwise, eligible , necessary action shall be taken in extending second and third ACP including the monetary benefits within the aforesaid period, failing which, 4th respondent will have to pay litigation cost @ Rs. 10,000/-. The cost shall be paid from the pocket of the Chief Engineer (4th respondent).

5. With the above observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	14.12.2021
Transmission Date	

