

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5830 of 2021

Hari Kishore Sinha, Son of Late Ram Prasad Sinha, resident of village- Basbitta, P.S. Majorganj, District- Sitamarhi, at present residing at Mohalla- Rajivnagar Road No. 5, P.S. Rajivnagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Road Construction Department, Government of Bihar, Patna.
3. The Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.
4. The Accountant General (A and E), Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shahabuddin Azeem @ S. Azeem, Advocate
For the State	:	Mr. R.K. Chandra, AC to GP 19
For the AG	:	Mr. Kumar Priya Ranjan, Advocate

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

Date : 31-03-2022

None appears for the petitioner.

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

“For issuance of writ, writs, order, orders, direction, directions, directing the respondent authorities specially the Principal Secretary, Road Construction Department, Government of Bihar, Patna for grant of 1s and 2 ACP to the petitioner along with other consequential benefits as was due to petitioner after completion of 10 years of service having excellent career record and 2 ACP is liable to be granted to the petitioner just after completion of 20 years as per the government circulars as well as Pay Revision Commission provided for grant of ACP to the Gazetted Officer who has been appointed directly on the post of Class-II Pay Scale. And further be



pleased to issue mandamus directing the respondents state authorities to issue notification for grant of 1st and 2nd ACP and thereafter the arrears of salary after fixation of pay in the next higher grade from the year as due 1st ACP in the year 1997 after completion of 10 years service and 2nd ACP in the year 2007 after completion of 20 years of service along with interest and cost as prescribed in the law. And further be pleased to pass such order, orders as your Lordships may deem fit and proper in the facts and circumstances of the case in accordance with law."

The aforesaid relief is supported by the representation vide Annexure-6. The concerned respondent has not taken decision either in accepting or rejecting the petitioner's representation to the extent that whether the petitioner is entitled to 1st and 2nd ACP as and when it was due to the petitioner.

In this regard, the concerned authority is hereby directed to examine the service particulars of the petitioner, ACP Rules/Scheme read with criteria laid down therein. If the petitioner fulfils the relevant criteria for the purpose of claiming 1st and 2nd ACP in that event the concerned respondent is hereby directed in granting 1st and 2nd ACP, re-fixation of pay and re-fixation of pension and monetary benefits. If the petitioner is not entitled in that event necessary speaking order shall be passed as to why the petitioner is not entitled for 1st and 2nd ACP and consequential benefits.



The above exercise shall be completed within a period of four months from the date of receipt of this order.

With the aforesaid observations, the present petition stands disposed off.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

