

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18211 of 2011

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Shambhu Nath Ram S/o Late Ramdeo Ram R/o Bari Yusufpur, P.S.Industrial
Area Hajipur, Distt-Vaishali At Hajipur

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principle Secretary, Personal and Administrative Reforms Department
(Now General Administration Department) Government of Bihar.
3. The Deputy Secretary, General Administration Department Government of
Bihar, Patna
4. The Collector Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Siya Ram Shahi, Advocate
For the Respondent/s : Mr. Manoj Priaydarshi SC 17

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

Date : 19-07-2022

Heard learned counsels for respective parties.

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

“(i) For issuance of an appropriate writ commanding the respondents to grant the benefit of ACP to the petitioner w.e.f. 9.8.1999 as per finance department notification no. 4685/F-2 dated 25.6.2003 which is operative from 9.8.1999 after completion of 12th year of service.

(ii) For any other relief or reliefs for which the petitioner is entitled under law as well as on facts.”



Short question for consideration in the present case is whether the petitioner is entitled to ACP benefit as claimed by him or not?

The concerned respondent has not taken any decision in this regard within the eleven years as to whether petitioner is entitled to or not, to the extent in passing a speaking order. Therefore, the concerned respondent is hereby directed to pass a speaking order whether petitioner is entitled to ACP or not? Such order shall be passed within a period of four weeks from the date of receipt of this order and communicate the decision to the petitioner if the speaking order is not passed within the aforesaid time limit respondents-state are hereby directed to pay litigation cost to the petitioner a sum of Rs. 25,000/- (Twenty Five Thousand). Cost has been imposed for the reason that the present litigation is pending for more than one decade in order to decide as to whether petitioner is entitled to ACP benefit or not?

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

(P. B. Bajanthri, J)

Vikash/-

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

