

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.16980 of 2014**

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Shyam Sundar Prasad son of late Raghunandan Prasad, resident of village  
Siyari, P.S. Nanpur District Sitamarhi. ... .. Petitioner/s

Versus

1. The State Of Bihar
  2. The Secretary, Road Construction Department, Bihar Patna.
  3. The Secretary, Rural Works Department, Bihar, Patna.
  4. The Deputy Secretary, Road Construction Department, Bihar Patna.
- ... .. Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Prabhu Nath Pathak, Advocate  
For the Respondent/s : Mr. Jawahar Pd. Karn, AAG 4

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**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE PARTHA SARTHY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 22-11-2022**

Petitioner has prayed for the following relief(s):-

That by this application, the Petitioner is invoking the writ jurisdiction of this Hon'ble Court in the nature of rule of appropriate writ/writs for the grant of 1 A.C.P. in the pay scale of Rs. 10000-15200/- w.e.f. 09.08.1999 on completion of 12 years of service and 2nd A.C.P. w.ef. 01.01.2009, on completion of 20 years of service under modified A.C.P. Scheme Rules, 2010 after computing adhoc period rendered by the Petitioner. However, similar situated persons mentioned in paragraph No. 14 to this writ petition who were appointed along with the Petitioner on 27.06.1987 (Annexure-1) and were regularized along with petitioner on 28.03.2012 (Annexure-2) have been granted 1" A.C.P. w.e.f. 09-08-1999 and 2nd A.C.P. w.e.f. 01-01-2009 after computing adhoc period in light of resolution issued under Memo No. 5376 dated 27-05-2013 of the Department of



Finance, Bihar, Patna 21.04.2014 as will be evident from Annexure-5 but the same has not been given to the Petitioner without rhyme and reason which is wholly discriminatory in eye of law.

However, the representation was filed by the petitioner to the Secretary, Road Construction Department, Bihar, Patna on 26.05.2014 (Annexure-6) which is still pending and no response was given to the petitioner and as such, the petitioner before this Hon'ble Court.

Learned counsel for the petitioner states that the petitioner's request dated 26.5.2014 (Annexure-6 page 42) is yet pending consideration with the authorities.

Further, learned counsel for the petitioner states that the petitioner shall be content if the petition is disposed of with the direction to the authority concerned to whom the petitioner would now be making representation, to be considered and decided expeditiously within a period of two months thereafter.

Liberty, as prayed for, is granted.

We are of the considered view, let the petitioner place on record additional material in support of the said communication.

Needful be done within a period of two weeks.

As and when any such request is made, the same



shall be considered and decided expeditiously within a period of two months thereafter.

Liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law, should the need so arise.

Petition stands disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

**(Sanjay Karol, CJ)**

**( Partha Sarthy, J)**

Prakash/Sujit

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