

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18179 of 2014

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1. Upendra Prasad Yadav Son of late Mangal Prasad Yadav resident of 100 M/G, Housing Board Colony, P.S. - Barari, District - Bhagalpur.
 2. Bimal Kumar Bairoliya Son of Sri Purushotta, Das Bairoliya resident of Professor Colony, Ward No. 8, P.S. - Madhubani, District - Madhubani.
 3. Raj Mauli Choudhary Son of late Singheshwar Choudhary resident of Ramayan, Ashok Nagar Pokharia, as of Harijan School, P.S. - Nagar Thana, District - Begusarai.

... .. 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.Raghwanand, GA 11

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-12-2022 The present writ petition has been filed seeking the following relief :-

“(i) For grant of 1st A.C.P. in the pay scale of Rs. 10000-15200/- w.e.f. 09.08.1999 on completion of 12 years and grant of 2nd A.C.P. w.e.f. 01.01.2009 on completion of 20 years of service under modified A.C.P. Scheme Rules, 2010 after computing adhoc period by the petitioners. However, similarly situated persons, who were appointed along with the petitioners under adhoc and were regularized has been granted the 1st A.C.P.



w.e.f. 09.08.1999 and 2nd A.C.P. w.e.f. 01.01.2009 vide notification no. 3076(S) dated 21.04.2014 issued by the Deputy Secretary (Management Cell), Road Construction Department, Bihar, Patna in the light of Resolution containing in Memo no. 5376 dated 27.05.2013 of the Finance Department, Bihar, Patna as is evident from Annexure 5 but the same has not been given to the petitioners on the ground of superannuation in service within two years from the date of regularization, which is wholly unsustainable on fact and in law.”

At the outset, the learned counsel for the petitioners seeks liberty on behalf of the petitioners to approach the Secretary, Road Construction Department, Bihar, Patna/ Secretary, Rural Works Department, Bihar, Patna for redressal of their aforesaid grievance. Liberty so sought, is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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