

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17449 of 2014

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1. Pushkar Prasad and Anr Son of late Chakradhar Prasad, resident of C-410, Jyotipuram Apartment, Jagdeopath, PS- Rukanpura, District- Patna
 2. Harishankar Prasad Singh, Son of Late Pitambar Singh, resident of Siswa Patna, PS.- Klaynapur, District- East Champaran

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Principal 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.

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2022

Petitioners have prayed for the following relief(s):

“The petitioners are invoking the writ jurisdiction of this Hon’ble Court in the nature of rule of appropriate writ/writs for the 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 of service and 2nd A.C.P. with effect from 01.01.2009 under modified A.C.P. on completion of 20 years of service after computing the adhoc service period rendered by the Petitioners in light of resolution of Finance Department issued under memo no. 5376 dated



27.05.2013. However, the similar situated persons mentioned in paragraph No. 14 of this writ petition who were appointed along with the Petitioner and were regularized with the petitioner have been given the aforesaid 1st A.C.P. promotion with effect from 09.08.1999 in pay scale of Rs.10000-15200 with effect from 09.08.1999 on completion of 12 years of service and 2nd A.C.P. on completion of 20 years under M.A.C.P. after computing the adhoc period as will be borne out from Annexure-5 of the writ petition.

Although, the petitioner filed representation on 16.06.2014 to the Secretary, Road Construction Department, Bihar, Patna (Annexure-7) for the grant of said ACP like others similar situated persons as stated above but no response was given to the petitioner and hence, the petitioner before this Hon'ble Court.”

Learned counsel for the petitioners states that the petitioners' request dated 16.06.2014 (Annexure-6(A) & (B) page 42) is yet pending consideration with the authorities.

Further, learned counsel for the petitioners states that the petitioners shall be content if the petition is disposed of with the direction to the authority concerned to whom the petitioners 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 petitioners 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 petitioners 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)

K.C.Jha/DKS

AFR/NAFR	
CAV DATE	
Uploading Date	29.11.2022
Transmission Date	

