

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1014 of 2023

Radha Krishna Prasad S/o Late Baleshwar Narayan Permanent resident of village Paroha, P.O. Paroha, P.S. Manpur, District Nalanda, at present resident of C/o Sri Sanjay Sinha, South of Krishna Niketan School Mohalla Jakariyapur, Path, Patna P.O. Pahari, P.S. Ram Krishna Nagar, District Patna.

... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Road Construction Department having his office at Vishwasaraiya Bhawan, P.S. Shashtri Nagar, District Patna.
2. The Chief Engineer (South) Road Construction Department having his office at Chhajubagh, P.S. Kotwali, District Patna.
3. The under Secretary personal (Finance) Claim Cell, having his officer at Anwexi Building Old Secretariat, P.S. Sachivalaya, District Patna.

... .. Respondent/

Appearance :

For the Petitioner/s : Mr.Vikas Mohan, Advocate
For the Respondent/s : Mr.Ravi Bhardwaj, Ac to GA13

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

1 02-05-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner in the present case is seeking the following reliefs:-

“(a) That writ in the nature of mandamus may be issued directing the respondents to consider the case of the petitioner for grant 2nd and 3rd benefit under Modified Assured Career Progression Scheme on completion of 20 years and 30 years service of the petitioner i.e. 01.01.2009 and 11.01.2018.

(b) That the respondents may be directed to grant all consequential monetary benefit to the petitioner consequent upon grant of promotion under Modified Assured Career Progression Scheme with 18% interest from due date till the



actual payment is made.

(c) That any other relief or reliefs for which the petitioner is entitled may be granted by this Hon'ble Court.”

Learned counsel for the petitioner submits that the petitioner has superannuated from service on 31.12.2021 as an Assistant Engineer from the office of Chief Engineer (South) Road Construction Department, Patna. He was earlier appointed as Junior Engineer and joined on the said post on 11.01.1988. He was posted in different places as Junior Engineer from 11.01.1988 to 05.10.1994. He was promoted to the post of Assistant Engineer vide memo dated 26.03.1994. The petitioner claims that he has passed Departmental Examination and Hindi Examination in the year 2005 and 2006 and was confirmed vide office order no. 181 dated 26.09.2011.

Learned counsel for the petitioner submits that the petitioner was posted as Assistant Engineer in Jharkhand from 13.11.2000 to 17.08.2009. His service has allocated to the State of Bihar. The petitioner is facing prosecution in a case being CBI R.C. Case No. 13(A)/2009R and RC Case No. 11(A)/2009R.

The petitioner claims that he has made an application before the Superintending Engineer, National Highway Circle, Dehri-on-Sone claiming the benefit of MACP but the same has



remained pending consideration. He has relied upon the judgment of this court in the case of Ranjan Kumar Chauhan Vs. The State of Bihar & Ors. (in CWJC No. 8120/2006); Bijay Kumar Sinha Vs. The State of Bihar and Ors. (in CWJC No. 14609/2010) and Vijay Kumar Jha Vs. The State of Bihar & Ors. (in CWJC No. 2866/2020). It is submitted that the petitioner's case is covered by the aforesaid judgments of this Court.

A prayer has been made at this stage to direct the respondents to consider the representation of the petitioner as contained in Annexure '9' to the writ application.

Learned counsel for the State submits that the writ application is silent as to how the petitioner would be entitled for the Assured Career Progression Scheme. It is his submission that the petitioner has got promotion from the post of Junior Engineer to the post of Assistant Engineer. It is however submitted that the representation of the petitioner shall be considered by the competent authority and an appropriate decision shall be communicated to the petitioner.

Having regard to the submissions noted hereinabove, this Court directs the respondents to consider the representation of the petitioner as contained in Annexure '9' to the writ



application and pass a reasoned order within a period of three months from the date of receipt/production of a copy of this order.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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