

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3629 of 2023

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Kumar Nawal Chandra Palit Son of Late Rambriksha Saw, Resident of Village-Naima, Post Office-Naima, Police Station-Ghoshi, Opposite Okri, District-Jehanabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Director General of Police.
2. The Director General of Police Patna.
3. The Inspector General of Police, Gaya.
4. The Deputy Inspector General of Police, Central Range, Patna.
5. The Deputy Inspector General of Police, Gaya.
6. The Superintendent of Police, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the State	:	Mr. Md. Nadim Seraj, GP- 5
		Mr. Dhurendra Kumar, AC to GP- 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 18-08-2023 Heard learned counsel for the petitioner and learned counsel for the State.

2. Petitioner is concerned with grant of second financial progression under the Assured Career Progression (for brevity 'ACP') scheme. The Authorities have denied the benefit by raising a plea that he was granted the 1st ACP with effect from 23-07-2002. Since petitioner has retired with effect from 31-05-2012, before completing ten (10) years after grant of 1st ACP, he is not entitled to the 2nd ACP.

3. Learned counsel for the petitioner submits that DIG



(Personnel) Bihar Patna, has brought out an order modifying the date of grant of 1st ACP benefit to various persons, including the petitioner, wherein the date with effect from which the petitioner has been granted 1st ACP has been modified to 09-08-1999.

4. In view of such modification, petitioner would have completed the requisite tenure for grant of 2nd ACP in 2009 itself, being before his date of retirement. The order modifying the petitioner date of grant of 1st ACP could not be annexed in the writ petition, therefore, it is apparent that the Authorities have not taken the same into consideration while denying petitioner's claim. Petitioner, therefore, would be making a representation before the Competent Authority, annexing order dated 06-09-2010, issued by the DIG (Personnel) Bihar, Patna and claiming benefit of 2nd ACP based on the fact that in terms of the said letter of the DIG (Personnel) Bihar, Patna, his date of grant of 1st ACP now stands with effect from 09-08-1999.

5. In view of such submission, pendency of this writ petition would serve no useful purpose. Petitioner may approach the Director General of Police Patna (respondent No. 2) by making his representation along with copy of the letter dated 16-09-2010, issued by the DIG, noted above and a copy of this order.



6. If the representation is filed within four weeks, respondent No. 2 shall consider the petitioner’s claim and pass a reasoned and speaking order, making available admissible dues and benefits, if any, within three months thereafter.

7. With the aforesaid directions, writ petition is disposed of.

(Madhuresh Prasad, J)

Raj kishore/-

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