

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5528 of 2023

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Bishwanath Pandey Son of Late Sidhnath Pandey Resident of Village-
Sahora, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Govt. of Bihar
2. The Chief Engineer, Bridge Management Wing, Road Construction Department, Bihar, Patna.
3. The Superintending Engineer, Road Circle, Muzaffarpur.
4. The Executive Engineer, Road Division, Sheohar, Road Construction Department.
5. The Accountant General of Bihar (A and E), Beer Chand Patel Path, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Prabhu Nath Pathak, Adv.
For the State	:	Mr. Subodh Kumar, AC to SC-26
For the Accountant General	:	Mrs. Ritika Rani, Adv.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-11-2023 The present writ petition has been filed seeking the
following reliefs:-

“1(i). For quashing the order contained in Memo No. 15 dated 16.05.2012 issued by the Chief Engineer, Ganda Bridge Project, Road Construction Department, Bihar, Patna, whereby and whereunder the first Assured Career Progression (hereinafter 'ACP'), given w.e.f. 09.08.1999 on completion of 12 years and Second ACP, given on completion of 24 years, w.e.f. 23.11.2005 vide Office Order No. 474 dated 06.12.2007, read with corrigendum issued under Memo No. 151 dated 31.03.2008, by the Chief



Engineer, Ganda Bridge Project, Road Construction Department, Bihar, Patna, has been cancelled on the ground of non-passing of the Accounts Examination.

And

(ii). To restore the Office Order containing Memo No. 464 dated 06.12.2007 reads with corrigendum issued under Memo No. 151 dated 31.03.2008 by the Chief Engineer, Ganda Bridge Project, Road Construction Department, Bihar, Patna whereunder, the petitioner has been granted first Assured Career Progression (hereinafter 'ACP') on completion of 12 years w.e.f. 09.08.1999, in pay scale of Rs. 5000-8000/- and second ACP on completion of 24 years, w.e.f. 31.11.2005.”

2. At the outset, the learned counsel for the Respondent-State has referred to paragraph nos. 17 and 18 of the counter affidavit, filed in the present case, to submit that the claim of the petitioner for grant of 1st ACP and 2nd ACP has already been accepted, however, the Superintending Engineer, North Bihar Road Circle, Muzaffarpur, has written a letter dated 10.6.2023 to the Chief Engineer, North, Road Construction Department, Bihar, Patna, for release of funds for making payment of the benefits accruing on account of grant of ACP / MACP to the petitioner and others.



3. In view of the aforesaid, the learned counsel for the petitioner submits that the Respondent authorities be directed to make payment of the benefits accruing on account of grant of first ACP and second ACP. It is directed, accordingly.

4. It is needless to state that the monetary benefits accruing on account of grant of 1st ACP and 2nd ACP to the petitioner shall be paid by the Respondent No. 3, within a period of six weeks of receipt / production of a copy of this order.

5. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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