

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21870 of 2013

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Sri Lakshman Prasad Singh S/O Sri Late Sridhar Singh Resident Of Village
P.O- Kulhariya, District- Bhojpur At Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Scheduled Caste And Scheduled Tribes, Welfare Department, Govt. Of Bihar,
3. The Director Scheduled Caste And Scheduled Tribes, Welfare Department, Govt. Of Bihar, Patna.
4. The Deputy Director, Welfare, Patna Division, Patna.
5. The Commissioner- Cum- Secretary, Personnel And Administrative Reforms Department, Govt. Of Bihar,
6. The Finance Commissioner, Finance Department, Govt. Of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrigendra Kumar, Adv/.
For the State : Mr. Kamlesh Kishore, AC to SC-12

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 07-02-2023

1. Heard the parties.

2. Learned counsel for the petitioner points out that as per the notification for grant of A.C.P., the petitioner was required to be granted 1st A.C.P. and 2nd A.C.P. with effect from the date of notification dated 09.08.1999. However, the respondents have granted the 1st A.C.P. and 2nd A.C.P. benefits to the petitioner only from the date of issuing of the order i.e. 09.10.2006. The petitioner Challenged the order before this Court and it directed the petitioner to make a representation,



whereafter the respondents have rejected the same vide order dated 07.01.2013 and, hence present writ petition filed.

3. Learned counsel submits that similarly situated other persons have been granted the benefit from the cut off date i.e. 09.08.1999 as notified in the notification. The petitioner therefore, cannot be discriminated.

4. Per contra, learned counsel appearing for the respondents states that the notification for grant of A.C.P. to the Stenographers was issued on 09.10.2006 and, therefore, the A.C.P. benefit has been given from the date of issuance of the notification i.e. 09.10.2006.

5. I have considered the submission, the benefit of A.C.P. was granted by the Government of Bihar vide its notification dated 23.03.2006, which was made effective from 09.08.1999. The said notification of grant of A.C.P. was adopted by the respondents for the Stenographers vide notification dated 09.10.2006. Once the said notification of grant of A.C.P. has been adopted, the same would have an effect from 09.08.1999 and not from the date when the same was adopted. Moreover, this Court finds that other similarly situated persons have already been granted the said benefit from 09.08.1999.

6. In view of above, claim of the petitioner for grant



of 1st A.C.P. and 2nd A.C.P. w.e.f. 09.08.1999 is made out. Action of the respondents in denying the same is held to be vitiated in law. The order rejecting the claim of the petitioner issued on 07.01.2013 is accordingly quashed and set aside.

7. The respondents are now directed to revise the 1st A.C.P. and 2nd A.C.P. w.e.f. 09.08.1999 and make his pay fixations accordingly. The arrears shall be calculated and released in favour of the petitioner within a period of three months.

8. If the petitioner has retired, his pension and retiral benefits shall also be revised within the said period and the arrears thereto shall also be released. Interest on the arrears shall be paid @ 9% per annum.

9. Accordingly, the writ petition stands allowed. No costs.

(Sanjeev Prakash Sharma, J)

Pravinkumar/-

Item No. 29

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