

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22065 of 2013

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Maheshwar Singh Son of Late Daroga Singh, Resident of Village- Jamuna,
P.S.- Paru, District- Muzaffarpur, At Present Resident of Hanumat Nagar,
Uttarwari Pokhara, P.S.- Bettiah Nagar, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Principal Secretary, Rural Works Development, Old Secretariat, Patna
3. Executive Engineer, Balmiki Nagar Divison Null Main West Canal Of
Balmikinagar M.W.C., District- West Champaran
4. Assistant Engineer, Balmiki Nagar Subdivision Main West Canal Of
Balmikinagar M.W.C., Distrcet- West Champaran

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate
For the Respondent/s : Mr.Manoj Kr. Ambastha, Advocate

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

ORAL ORDER

2 07-02-2023

The petitioner has prayed as under :

“That this is an application for issuance of an appropriate writ/order/direction, particularly in the nature of writ of mandamus, directing the respondents to grant ACP like other similarly situated persons as petitioner has been working on the post of ‘Meth’ under respondent no.3 and after completion of full tenure of service, he has retired from the post with effect from 31.01.2004.”

2. The respondents have filed their Counter

Affidavit and it has been stated in Para 6 of the Counter

Affidavit as under :

“That it is stated that the petitioner superannuated on 31.01.2004 while working as ‘Meth’ in main Western Canal Division, Valikinagar. He along with some other employees were granted benefit of ACP vide office order issued by the Chief Engineer, Water Resources Department, Valmikinagar as contained in Memo



No.1508 dated 17.09.2005. It would appear from the said order that the petitioner was sanctioned 1st ACP with effect from 09.08.1999 in the pay scale of Rs.2750-4400.”

3. It is also further stated that the Accountant General was requested to revise the pension and gratuity of the petitioner, the amount in lieu of unutilized earned leave was re-calculated and payment of the differences has also been sanctioned. It has also further been stated that the petitioner expired on 28.12.2016 and the amount has been released to his son.

4. Since the petitioner has expired, writ petition is abated and consigned to record.

(Sanjeev Prakash Sharma, J)

Chn/-
Item No.41

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